Committee on Agriculture

CS/CS/SB 902 — Safety Standards for Amusement Rides

by Appropriations Committee on Agriculture, Environment, and General Government; Agriculture Committee; and Senators Thompson and Yarborough

The bill, (Chapter 2023-50, L.O.F.) the "Tyre Sampson Act," significantly amends regulations related to amusement rides after a fatal incident occurred in Orlando in March of 2022.

The bill amends the definition of "major modification" and provides a definition for the term "ride commissioning and certification report." The bill provides new requirements for permanent and temporary amusement rides and requires that each permanent or temporary amusement ride operated for the first time after July 1, 2023, have a ride commissioning and certification report on file with the Department of Agriculture and Consumer Services (department) before the ride's first inspection and a permit is issued. The bill provides exemptions for certain temporary amusement rides.

The bill requires that nonvisual nondestructive testing of appropriate components must be conducted under certain circumstances, and creates new reporting requirements for an affidavit of nondestructive testing. The affidavit of nondestructive testing must include the following:

- That all the ride manufacturer's nondestructive testing requirements and recommendations are current;
- That the components of the amusement ride for which the affiant, in addition to the manufacturer's requirements and recommendations, has recommended or required nondestructive testing;
- That the ride is in conformance with the requirements of statute and applicable department rules;
- Whether the amusement ride went under a major modification, the name of the person who authorized the modification and the date the modification took place; and
- That the amusement ride and applicable components are in conformance with the service life specified by the manufacturer.

The bill requires that patron-loading and the proper positioning and measurements for patron safety restraint systems must be provided to the department upon request. It also provides that if rider restrictions related to age, size, health, or weight are not provided in the ride's manual, the owner or manager must provide the department with documentation from the manufacturer stating that such restrictions do not exist.

The bill permits the department to prepare a written report of each investigation it conducts. The bill also changes the accident reporting requirements for owners and managers following an accident, and changes the parameters in which the department is permitted to impound an amusement ride involved in an accident.

The bill requires the department to establish by rule, minimum training and retraining standards, and the frequency of employee training for all amusement rides. The bill also requires the owner

or manager of an amusement ride to immediately document all training following each training session.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Agriculture

CS/SB 904 — Public Records/Active Amusement Ride Investigation

by Appropriations Committee on Agriculture, Environment, and General Government and Senator Thompson

The bill provides an exemption from public records requirements for investigatory records made or received by the department. The bill provides a statement of public necessity.

The public records exemption would stand repealed on October 2, 2028, unless it is reenacted by the Legislature under the Open Government Sunset Review Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law July 1, 2023.
Vote: Senate 37-0; House 112-0

Committee on Agriculture

CS/HB 959 — Dosage Form Animal Health Products

by Regulatory Reform and Economic Development Subcommittee and Rep. Tuck and others (CS/SB 1056 by Appropriations Committee on Agriculture, Environment, and General Government and Senator Gruters)

The bill defines a "dosage form animal product" as a regulated feedstuff under the Florida Commercial Feed Law, requiring such products to be subject to related fees, quality, safety, and labeling requirements. The Department of Agriculture and Consumer Services (department) administers and enforces the Florida Commercial Feed Law.

The bill defines a "dosage form animal product" as a feedstuff that includes any product intended to affect the structure or function of an animal's body, other than providing nutrition to the animal. The term includes oils, tinctures, capsules, tablets, liquids, and chewables. The term does not include:

- Minerals or vitamins;
- Products represented as a primary meal for the intended animal species;
- Products intended as a treat; or
- Dental products.

The bill exempts products sold solely as a dosage form animal product from showing a guaranteed analysis.

The bill includes specific labeling requirements and clarifies that a dosage form animal product does not apply to drugs that are administered or used to treat animals as defined under federal law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 109-0

Committee on Agriculture

CS/HB 1215 — Pub. Rec./Inspectors and Investigators/DACS

by Ethics, Elections and Open Government Subcommittee and Rep. Maggard and others
(CS/SB 1166 by Governmental Oversight and Accountability Committee and Senator Collins)

The bill exempts from public records copying and inspection requirements of certain personal identifying information of current or former inspectors or investigators of the Florida Department of Agriculture and Consumer Services. Personal Identifying information relating to their spouses and children is likewise exempt. The specific information made exempt from public records disclosure requirements includes:

- Home addresses, telephone numbers, dates of birth, and photographs of current and former inspectors and investigators;
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill provides a statement of public necessity as required by the State Constitution.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-1; House 114-1

Committee on Agriculture

CS/CS/HB 1279 — Department of Agriculture and Consumer Services

by Infrastructure Strategies Committee; Agriculture, Conservation and Resiliency Subcommittee; and Rep. Alvarez and others (CS/CS/SB 1164 by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Collins)

The bill addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Creates a Farm Tax Exempt Agricultural Materials (TEAM) card for use by a farmer to claim applicable sales tax exemptions in lieu of a certificate or affidavit.
- Requires state agencies, universities, and colleges to, by 2025 or the expiration of any existing food service contract, give preference to food commodities grown or produced in the state.
- Authorizes the fee for a food permit issued by the department to be prorated.
- Amends definitions, including but not limited to "milk," "dairy farm," "frozen dessert," "milk transport tank," and "pasteurization."
- Permits the department to collect samples for testing from all facilities engaged in the production, processing, holding, or transfer of milk and milk products.
- Removes the prohibition of a person to test for milkfat content. It also removes the prohibition for a person to repasteurize milk.
- Provides that if the estimated value of a conservation easement exceeds $5 million, two appraisals must be conducted, and if the purchase price exceeds $5 million, the purchase of a conservation easement must be approved by the Board of Trustees of the Internal Improvement Trust Fund.
- Revises the timeframe for when the department provides written notice and renewal forms for the registration of honeybee colonies.
- Revises the department's authority and responsibilities related to regulation and development of aquaculture.
- Revises the composition of the Aquaculture Review Council.
- Revises the composition of the Viticulture Advisory Council.
- Eliminates certain agricultural advisory councils.
- Authorizes a non-law enforcement employee of the department, for all lawful purposes within the department's authority, to use drones.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 109-0

Committee on Agriculture

CS/CS/SB 1676 — Hemp

by Fiscal Policy Committee; Agriculture Committee; and Senators Burton and Rodriguez

This bill makes a number of changes to the regulation of hemp in this state. Specifically, the bill:

- Adds hemp extract to the definition of "food" to clarify that it requires time and temperature control for product safety and integrity.
- Defines "attractive to children" to mean a product manufactured in the shape of humans, cartoons, or animals, in a form resembling candy, or containing color additives.
- Revises the definition of "hemp" to exempt hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.
- Modifies how hemp extract may be sold in this state, including:
  - Requiring the batch to be processed in a facility that meets certain requirements related to food safety and sanitization;
  - Requiring it to be sold in a container that meets certain requirements, one of which is that the container is not attractive to children; and
  - Limiting the sale of hemp extract to only businesses that meet certain requirements.
- Prohibits hemp extract products intended for human ingestion, including, but not limited to, snuff, gum, and other smokeless products, from being sold to a person who is under 21 years of age. The bill provides that a person who violates this prohibition commits a second degree misdemeanor, and a subsequent violation within one year is a first degree misdemeanor.
- Revises the rulemaking authority of the Department of Agriculture and Consumer Services (department) to reflect the approval of the state hemp plan and to require adoption of rules relating to the packaging, labeling, and advertising of hemp extract products.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 119-0

Committee on Appropriations

CS/CS/HB 1285 — Florida State Guard

by Appropriations Committee; State Affairs Committee; and Rep. Giallombardo and others

The bill makes permanent the Florida State Guard (guard), a volunteer force directed to protect and defend the public from threats to public safety and to augment existing state and local agencies. The guard may also provide support under an Emergency Management Assistance Compact to other states.

The bill revises the structure of the guard by creating a Division of the State Guard within the Department of Military Affairs. The department will provide administrative support and services to the division, which is otherwise autonomous.

The division will be headed by a director, who must have served at least 5 years as a servicemember of the United States Armed Forces, United States Reserve Forces, or Florida National Guard. Administrative duties for the guard currently assigned to the Adjutant General are transferred to the director.

The Governor will appoint the director, subject to Senate confirmation, commission all volunteer personnel, and activate and deactivate the guard.

The bill creates a specialized force within the guard to assist other law enforcement agencies. The specialized force is authorized to bear arms, detect, and apprehend when activated. Only certified law enforcement officers will have the same law enforcement authority as the law enforcement agency with which they are working when activated.

The bill increases the maximum number of volunteers in the guard from 400 to 1,500, and authorizes volunteers to be compensated for their service at rates established by the director, subject to legislative appropriation.

The General Appropriations Act for Fiscal Year 2023-2024 provides $107.6 million in appropriations from the General Revenue Fund for the Florida State Guard.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 28-11; House 91-20

Committee on Appropriations

SB 2500 — General Appropriations Act

by Appropriations Committee

The bill, relating to the General Appropriations Act for Fiscal Year 2023-2024, provides for a total budget of $117 billion, including:

- $46.5 billion from the General Revenue Fund (GR)
- $3.2 billion from the Education Enhancement Trust Fund
- $1.9 billion from the Public Education Capital Outlay Trust Fund (PECO TF)
- $65.5 billion from other trust funds (TF)
- 113,746.76 full time equivalent positions (FTE)

Increased Reserves and Debt Reduction

- Total Reserves: $10.9 billion
  - $5.3 billion General Revenue Unallocated
  - $4.1 billion Budget Stabilization Fund
  - $1.4 billion added to the Emergency Preparedness and Response Fund
- $200 million to retire outstanding state debt

Major Issues

Compensation and Benefits

- Five percent pay increase for all state employees. In addition to the five percent across-the-board pay increase:
  - Agency Discretion Pay Increase Plans to address compression, recruitment, and retention
  - Correctional Officers - Starting salary to $45,760 ($22/hr.) and bonuses for high vacancy facilities
  - Department of Corrections Educational and Maintenance Staff - additional pay increases
  - Assistant State Attorneys and Public Defenders - additional pay increases
- Retirement - enhanced benefits
  - Retiree Health Insurance Subsidy increase of up to $75 per month
  - DROP Program - extension from 5 to 8 years for all employees, from 8 to 10 years for teachers
  - Special Risk - reduced normal retirement to age 55 or 25 years of service
  - Two percent increase to Investment Plan employer contributions

Education Capital Outlay

Total Appropriations: $2.3 billion [$155.7 million GR; $2.2 billion TF]

- State University System Projects - $682.2 million

- Florida College System Projects - $272.4 million
- Charter School Repairs and Maintenance - $213.5 million
- Small School District Special Facilities - $88.6 million

Education Appropriations

Total Appropriations: $28.0 billion [$20.3 billion GR; $7.7 billion TF]
Total Funding - Including Local Revenues: $42.9 billion [$28 billion state/federal funds; $14.9 billion local funds][1]

Major Issues

Early Learning Services

Total: $1.6 billion [$585.3 million GR; $1 billion TF]

- Partnerships for School Readiness - $56.7 million
- School Readiness Program - $1.1 billion
  - Increase of $100 million for School Readiness Services
- Early Learning Standards and Accountability - $4.9 million
- Voluntary Prekindergarten Program - $427 million
  - Decrease of 14,630 fewer students ($46.5 million)
  - Increase of $20 million to increase the Base Student Allocation

Public Schools/K12 FEFP

Total Funding: $26.7 billion [$14.52 billion state funds; $12.25 billion local funds]

- FEFP Total Funds increase is $2.2 billion or 9.04 percent
- FEFP increases in Total Funds per Student served by a district is $404.67, a 4.91 percent increase (from $8,243.44 to $8,648.11)
- Base Student Allocation (BSA) increase by $552.33 or 12.04 percent
- FEFP Base Funds (flexible $) increase of $2.7 billion or 18.09 percent
  - Includes a small district factor - adds $20 million to base funds
- Required Local Effort (RLE) increase of $1 billion; RLE millage maintained at prior year level of 3.262 mills
- Teacher Salary Increase - $252 million increase for a total of $1 billion
- Safe Schools Allocation - $40 million increase for a total of $250 million for School Safety Officers and school safety initiatives
- Mental Health Assistance Allocation - $20 million increase for a total of $160 million to help school districts and charter schools address youth mental health issues

[1] Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

- Educational Enrichment Allocation (New) - $825 million - provides funds to assist school districts in providing educational enrichment activities and services that support and increase the academic achievement of students
- State-Funded Discretionary Supplement (New) - $436 million - to fund the non-voted discretionary millage for operations for students awarded a Family Empowerment Scholarship

Public Schools/FEFP Back of the Bill

- Educational Enrollment Stabilization Program - $350 million - provides funds (pursuant to HB 5101) to maintain the stability of the operations of public schools in each school district and to protect districts from financial instability as a result of changes in full-time equivalent student enrollment throughout the school year

Public Schools/K12 Non-FEFP

Total: $585.7 million [$578.3 million GR; $7.4 million TF]

- Coach Aaron Feis Guardian Program - $6.5 million
- School Recognition Program - $200 million
- Mentoring Programs - $14.6 million
- Florida Diagnostic and Learning Resources Centers - $8.7 million
- School District Foundation Matching Grants - $6 million
- Autism Programs - $12 million
- Recruitment of Heroes Bonus - $10 million
- Regional Literacy Teams - $5 million
- Early Childhood Music Education - $10.4 million
- Micro-Credential Incentives - $21 million
- Science of Reading Literacy and Tutoring Program - $16 million
- Florida Institute for Charter School Innovation - $1.5 million
- Early Start Time/Transportation Grant Program - $5 Million
- Department of Juvenile Justice Teacher Salary Increase - $2.1 Million
- Florida Safe School Canine Program - $4 million
- New World Reading - $4 million
- SEED School of Miami - $11.9 million
- School and Instructional Enhancement Grants - $40.5 million
- Exceptional Education - $8.8 million
- Florida School for the Deaf and Blind - $62.4 million
- Florida School for Competitive Academics - $24 million
- Capital Projects - $44.2 million
- Civics Literacy Captains and Coaches - $3.5 million

State Board of Education

Total: $306.8 million [$146.3 million GR; $160.5 million TF]
- Assessment and Evaluation - $127.2 million
- ACT and SAT Exam Administration - $8 million
- Just Read Florida Early Literacy Professional Development - $1 million
- School Choice Online Portal - $3 million
- Career Planning and Work-based Learning Coordination System - $4 million
- District Tools (CPALMS) - $3.5 million

Vocational Rehabilitation

Total: $250.4 million [$57.9 million GR; $192.5 million TF]
- Adults with Disability Funds - $8.3 million
- Vocational Rehabilitation Recruitment and Retention Efforts - $2 million
- ABLE Trust High School/High Tech Program - $468,177

Blind Services

Total: $61 million [$19 million GR; $42 million TF]
- Community Rehabilitation Services for Blind Citizens Workload - $477,165
- Recruitment and Retention Services - $345,081

Private Colleges

Total: $223.4 million GR
- Effective Access to Student Education (EASE) - $134.8 million
  - Workload increase - $46,000
  - Increase EASE award from $2,000 to $3,500 - $59.4 million

Student Financial Aid

Total: $1.003 billion [$294 million GR; $710 million TF]
- Bright Futures - $590.7 million
  - Workload decrease - $30 million
- Benacquisto Scholarship Program - $34.7 million
  - Workload decrease - $1.7 million
- Children/Spouses of Deceased or Disabled Veterans - $16.7 million
  - Workload increase - $3.2 million
- Dual Enrollment Scholarship - $18.05 million
- Teacher Scholarship to teach Dual Enrollment - $3.5 million
- Law Enforcement Academy Scholarship - $5 million
- Open Door Grant Program - $35 million

School District Workforce

Total: $675.8 million [$343.7 million GR; $291.9 million TF; $40.2 million tuition/fees]

- Workforce Development - $426.6 million
  - Workload increase - $36.2 million
- Teacher Apprenticeship Program and Mentor Bonus - $4 million
- Student Success in Career and Technical Education Incentive Funds - $2.5 million
- Adult General Education Incentive Funds - $5 million
- CAPE Incentive Funds for students who earn Industry Certifications - $8.5 million
  - Workload increase - $2 million
- Pathways to Career Opportunities Grant Program for apprenticeships - $20 million
  - Increase for "Grow Your Own Teacher" Apprenticeship Program - $5 million
- Nursing Education Initiatives - $20 million
- No tuition increase

Florida College System

Total: $2.4 billion [$1.4 billion GR; $274 million TF; $668.5 million tuition/fees]

- CAPE Incentive Funds for students who earn Industry Certifications - $20 million
  - Workload increase - $6 million
- College System Program Fund - $1.6 billon
  - Florida College New Funding Model - $100 million
  - Dual Enrollment Fee Reimbursement - $25.7 million
- Nursing Education Initiatives - $59 million
- Postsecondary Academic Library Network - $11.1 million
- Student Success Incentive Funds - $30 million
  - 2+2 Student Success Incentive Funds - $17 million
  - Work Florida Incentive Funds - $13 million
- No tuition increase

State University System

Total: $6.4 billion [$3.7 billion GR; $704.8 million TF; $1.97 billion tuition/fees]

- Performance Based Funding - $645 million
  - State Investment - $350 million
  - Institutional Investment - $295 million
- Preeminent State Research Universities - $100 million
- Performance-Based Recruitment and Retention Incentives - $100 million
- Programs of Strategic Emphasis - $7.2 million
  - Teacher Education programs addition - $3 million
  - Workload Increase - $4.2 million
- Hamilton Center for Classical and Civic Education - $10 million
- New College of Florida Operational Enhancement - $25 million

- IFAS Workload - $3.9 million
- Institute of Human and Machine Cognition Workload - $2.3 million
- Nursing Education Initiatives - $46 million
- Postsecondary Academic Library Network - $13.5 million
- Community School Grant Program - $11 million
- No tuition increase

Health and Human Services Appropriations

Total Budget: $47.3 billion [$15.2 billion GR; $32.1 billion TF]; 32,046.26 positions

Major Issues

Agency for Health Care Administration

Total: $35.6 billion [$10.3 billion GR; $25.3 billion TF]; 1,539.5 positions

- KidCare Workload (due to caseload shift to Medicaid) - $47.8 million
- Expand KidCare Access - $20.6 million
- Pediatric Physicians - $76.1 million
- Children's Hospitals - $130.7 million
- Graduate Medical Education - $139.3 million
- Nursing Home Reimbursement Rates - $125 million
- Medicaid Provider Rate Increases - $73.5 million
  - Durable Medical Equipment (DME) - $14.5 million
  - Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) - $5 million
  - Maternal Fetal Medicine - $2.5 million
  - Mental Health and Substance Abuse Services - $29.7 million
  - Organ Transplant - $1.8 million
  - Pediatric Behavioral Health Services - $15 million
  - Prescribed Pediatric Extended Care (PPEC) - $5 million
- Personal Needs Allowance Increase - $20.3 million
- Rapid Whole Genome Sequencing Coverage - $3.3 million
- Florida Medicaid Management Information System (FMMIS) - $182.6 million
- Program of All-Inclusive Care for the Elderly (PACE) - $60.3 million

Agency for Persons with Disabilities

Total: $2.3 billion [$1 billion GR; $1.3 billion TF]; 2,753 positions

- Increase Waiver Rates for Waiver Support Coordinators - $6 million
- Home and Community Based Services Waiver Waitlist - $79.6 million
- Dually Diagnosed Program - $3.4 million
- Increase in Regional Positions due to Waiver Growth - $3 million; 35 positions

- Architectural and Engineering Design Services for a new 200-bed Forensic Developmental Disability Center - $4 million

Department of Children and Families

Total: $4.8 billion [$2.8 billion GR; $2 billion TF]; 12,951.75 positions

- Foster Care and Guardianship Board Payments - $20 million
- Maintenance Adoption Subsidies - $15.1 million
- Transfer Child Protective Investigations from Sheriffs - $7.4 million; 674 positions
- Opioid Treatment, Prevention, and Recovery from Opioid Settlement Funds - $173.5 million; 22 positions
- Community-Based Mental Health and Substance Abuse Block Grants - $156.3 million
- State Opioid Response Grant - $110.6 million
- Central Receiving Facilities - $31 million
- State Mental Health Treatment Facilities Forensic Beds - $77.9 million
- Jail-Based Competency Restoration - $6 million
- Homeless Assistance Grants - $19 million
- Florida System and Florida Safe Families Network System Technology Modernization - $35 million
- Fixed Capital Outlay for State Mental Health Treatment Facilities - $12.4 million

Department of Elder Affairs

Total: $482.5 million [$222.2 million GR; $260.4 million TF]; 418 positions

- Electronic Client Information and Registration Tracking System Project - $3.5 million
- Memory Disorder Clinics and Alzheimer's Projects - $8.5 million
- Aging Resource Centers - $1.7 million
- Home Care for the Elderly and Community Care for the Elderly Programs - $5 million
- Alzheimer Disease Initiative - $4 million

Department of Health

Total: $3.9 billion [$829 million GR; $3.1 billion TF]; 12,870 positions

- School Health Services - $30.8 million
- Expansion of Maternal Health Using Telehealth - $12.7 million
- School Based Dental Health - $10.9 million
- Office of Medical Marijuana Use Workload - $6.2 million; 31 positions
- Child Care Food Program - $55.4 million
- Women, Infants, and Children (WIC) Program - $172 million; 2 positions
- Child Protection Teams - $7 million
- Primary Care Health Professional Loan Repayment Program - $10 million
- Dental Student Loan Repayment Program - $2 million
- Florida Cancer Innovation Fund - $20 million

- Florida Cancer Center Funding - $27.5 million
- Healthy Start Coalitions - $9.6 million
- Rural Hospitals Capital Grant Program - $10 million

Department of Veterans Affairs

Total: $201 million [$51 million GR; $150 million TF]; 1,500 positions
- Telephone System Replacement - $4.5 million
- New State Veterans' Nursing Homes Positions Increase - $0.6 million; 8 positions
- Florida is For Veterans Programs - $2 million
- Collier County Veterans Nursing Home Engineering and Site Preparation - $0.5 million

Criminal and Civil Justice Appropriations

Total Budget: $6.7 billion [$5.7 billion GR; $1 billion TF]; 45,622 positions

Major Issues

Department of Corrections

Total: $3.3 billion [$3.1 billion GR; $96.5 million TF]; 23,677 positions
- DOC Education Expansion - $39.3 million
- Critical Security Equipment - $10 million
- Correctional Officer Academy Modernization and Support - $2.3 million
- Statewide Recruitment Staffing - $1 million; 12 positions
- In Prison and Community-Based Substance Abuse Treatment - $5 million
- Health Services Contract - $107 million
- Food Services Contract - $8.9 million
- Private Prison Operations - $19.6 million
- Community-Based Treatment Provider Rate Increases - $3 million

Attorney General/ Legal Affairs

Total: $362.1 million [$85.4 million GR; $276.7 million TF]; 1,308.5 positions
- Office of Statewide Prosecution Cold Case Unit - $0.8 million; 5 positions
- Solicitor General Workload - $0.9 million; 3 positions
- Revenue Litigation Workload $0.8 million; 6 positions
- Statewide Drug Take Back Program - $1.4 million

Florida Department of Law Enforcement

Total: $490.9 million [$317.7 million GR; $173.3 million TF]; 1,986 positions
- Protective Services Staffing - $10.7 million; 7 positions
- Law Enforcement Staffing Salary Adjustment - $7.6 million

- Capitol Complex Security Staffing - $0.6 million; 4 positions
- E-Verify Staffing - $1 million; 11 positions
- State Assistance for Fentanyl Eradication (S.A.F.E.) In Florida Program - $20 million
- Biometric Identification Solution (BIS) Modernization - $8.2 million
- Latent Print Workstations for Local Criminal Justice Agencies - $1.1 million
- Alcohol Testing Program Transition to New Breath Test Instrumentation - $3.6 million
- Missing and Endangered Persons Information Clearinghouse Technology Upgrade and Staffing - $2.4 million; 3 positions
- Salary Increases for Law Enforcement Officers in Fiscally Constrained Counties - $5.7 million
- Ballistic Testing Pilot Program - $3.5 million
- Purchase of Body Armor for Local Law Enforcement - $2 million
- Pensacola Regional Operations Center Facility - $2.3 million
- Community Violence Intervention and Prevention Grants - $5 million

Department of Juvenile Justice

Total: $666.2 million [$506.9 million GR; $159.3 million TF]; 3,247.5 positions

- Increase DJJ Secure and Non-secure Residential Provider Pay to $19/hour - $17.2 million
- Comprehensive Evaluations - $2.4 million
- Children In Need of Services/Families In Need of Services (CINS/FINS) Provider Pay to $19/hour - $5 million
- PACE Center for Girls Pay Adjustments - $2.5 million

Justice Administrative Commission

Total: $1.2 billion [$963.9 million GR; $203.8 million TF]; 10,716 positions

- Replacement of Motor Vehicles for State Attorneys and Public Defenders - $2.8 million
- State Attorney Workload - $2.4 million; 24 positions
- Staffing Adjustments for Workload and Increased Judgeships - $0.7 million; 8 positions
- Public Defender Workload - $0.2 million; 1 position

Commission on Offender Review

Total: $14.2 million [$14.1 million GR; $0.1 million TF]; 161 positions

- Increase Number of Cases for Submission to the Clemency Board - $1.1 million; 14 positions

State Court System

Total: $712.7 million [$605.4 million GR; $107.3 million TF]; 4,526 positions

- Critical Due Process Resources - $21.8 million; 20 positions
- Trial Courts Pandemic Recovery Plan - $12 million

- Bernie McCabe Second District Court of Appeal New Courthouse Construction - $9 million

Transportation, Tourism, and Economic Development Appropriations

Total Budget: $21 billion [$1.7 billion GR; $19.3 billion TF]; 13,184 positions

Major Issues

Department of Economic Opportunity

Total: $1.82 billion [$345.9 million GR; $1.5 billion TF]; 1,510 positions

- Reemployment Assistance Program Operations and Tax Services Provider - $22.8 million
- Small Business Credit Initiatives - $170.9 million
- Job Growth Grant Fund - $75 million
- VISIT Florida - $80 million
- Law Enforcement Recruitment Bonus Program - $20 million
- Broadband Equity, Access, and Deployment (BEAD) Funding and Broadband - Digital Capacity Grant Program - $112.9 million
- Rural Infrastructure Fund - $25 million
- Economic Development Programs - $7.4 million
- Housing and Community Development Projects - $118 million
- Workforce Projects - $11.9 million

Department of Highway Safety and Motor Vehicles

Total: $578.6 million TF; 4,353 positions

- Additional Equipment for the Florida Highway Patrol - $1.3 million
- Aircraft Replacement - $6.8 million
- Credentialing Equipment and Maintenance - $3.5 million
- Operating Costs for Issuance and Compliance - $868,859; 13 positions
- Motorist Modernization Project - Phase II - $10 million
- Maintenance and Repair - Neil Kirkman Building, Tallahassee - $1.9 million
- Maintenance and Repair - Florida Highway Patrol Facilities, Statewide - $3.1 million
- Florida Highway Patrol Academy Driving Track - $9 million

Department of Military Affairs

Total: $296.1 million [$251.3 million GR; $44.8 million TF]; 469 positions

- Florida National Guard Tuition Assistance - $5.2 million
- Armory Operations Expense - $2.4 million
- Florida National Guard Joint Enlistment Enhancement Program - $3 million
- Expand Florida State Guard - $107.5 million; 15 positions

- Readiness Center Revitalization and Modernization Program - $7.2 million
- Panama City Readiness Center - $2.6 million
- Camp Blanding Readiness Center Level II Mobilization Force Generation Installation - $102.5 million

Department of State

Total: $220.5 million [$197.6 million GR; $22.9 million TF]; 456 positions

- Libraries Maintenance of Effort - $24 million; and Additional Aid - $2 million
- Cultural and Museum Program Support Grants and Initiatives - $46.6 million
- Historical Preservation Grants and Initiatives - $58 million
- Library Construction Grants - $9.8 million
- Division of Corporations Call Center Services - $2.4 million
- Reimbursement to Counties for Special Elections - $1.5 million
- Department wide Litigation Expenses - $1.3 million
- Increased Division Support - $0.7 million; 12 positions

Department of Transportation

Total: $15.2 billion [$400.7 million GR; $14.8 billion TF]; 6,176 positions

- Transportation Work Program - $13.6 billion
  - County Transportation Programs:
    - Small City Road Resurface Assistance Program (SCRAP) - $28.4 million
    - Small County Outreach Program (SCOP) - $87.4 million
    - County Transportation Programs - $62.8 million
  - Local Transportation Initiatives (Road Fund) Projects - $400.7 million
- Innovative Grant Programs for Transportation Disadvantaged - $8 million

Division of Emergency Management

Total: $2.8 billion [$471.7 million GR; $2.33 billion TF]; 220 positions

- New Positions - $2.7 million; 22 positions
- Hurricane Recovery Grant Programs - $350 million
- Statewide Emergency Alert and Notification System - $3.5 million
- Open Federally Declared Disaster (FEMA reimbursement and pass-through) - $2.1 billion
- Community Recovery, Preparedness, and Critical Facilities Projects - $93.5 million
- Sargassum Clean-Up Grants - $5 million
- Information Technology - $6.9 million

Agriculture, Environment, and General Government Appropriations

Total Budget: $11.3 billion [$3.4 billion GR; $1.4 billion LATF; $6.5 billion Other TF]; 20,331 positions

Major Issues

Department of Agriculture and Consumer Services

Total: $3 billion [$357.8 million GR; $169.6 million LATF; $2.5 billion TF]; 3,710 positions

- Rural and Family Lands Protection Program - $100 million
- Wildfire Suppression Equipment/Aircraft - $12.9 million
- Road/Bridge and Facility Maintenance - $9 million
- Reforestation Program - $4 million
- Law Enforcement Equipment - $1 million
- Feeding Programs/Farm Share/Feeding Florida - $17.5 million
- Citrus Protection and Research - $49.5 million
- Lake Okeechobee Agriculture Projects - $5 million
- Replace Motor Vehicles - $3.4 million
- Information Technology Operations and Security Enhancements - $8.9 million
- Ag Environmental Services - $0.7 million; 8 positions
- Aquaculture Research - $0.5 million
- Office of Energy Grants - $30.4 million
- Agriculture Education and Promotion Facilities - $18.1 million
- Conner Complex Planning, Design and Construction - $31 million

Department of Citrus

Total: $35.1 million [$13.7 million GR; $21.4 million TF]; 28 positions

- Citrus Marketing - $5 million
- Citrus Plant Propagation and New Varieties Development - $3 million

Department of Environmental Protection

Total: $4.9 billion [$2.2 billion GR; $1.1 billion LATF; $1.7 billion TF]; 3,117 positions

- Everglades Restoration - $574.6 million
- Water Quality Improvements - $1 billion
  - Wastewater Grant Program - $200 million
  - Indian River Lagoon WQI - $104.9 million
  - Biscayne Bay Water Quality Improvements - $20 million
  - Caloosahatchee WQI - $25 million
  - Water Projects - $433 million
  - C-51 Reservoir - $70 million
  - Water Quality Improvements - Everglades - $50 million

  - Total Maximum Daily Loads - $40 million
  - Northwest Florida On-site Septic Systems - $2 million
  - Non-Point Source Planning Grants - $5 million
  - Alternative Water Supply - $60 million
  - Onsite Sewage Program - $0.7 million
- Flood and Sea-Level Rise Program - $300 million
- Water Quality Improvements - Blue Green Algae Task Force - $12.8 million
- Innovative Technology Grants for Harmful Algal Blooms - $10 million
- Innovative Wastewater Technology - $10 million
- Springs Restoration - $50 million
- Florida Forever Programs and Land Acquisition - $1 billion
  - Florida Wildlife Corridor - $850 million
  - Division of State Lands - $100 million
  - Florida Communities Trust - $15 million
  - Florida Recreational Development Assistance Grants - $11.2 million
  - Kirkland Ranch Land Acquisition - $30.8 million
  - Nassau County/Piney Island/Amelia River - $1 million
  - St. Johns County Summer Haven Managed Retreat - $5 million
  - Wetland Restoration and Protection Program - $5 million
- Florida Keys Area of Critical State Concern - $20 million
- Lake Apopka Restoration - $5 million
- Petroleum Tanks Cleanup Program - $195 million
- Volkswagen Settlement - $15 million
- Hazardous Waste and Dry Clean Site Cleanup - $16 million
- Beach Management Funding Assistance - $206 million
- Wastewater and Drinking Water Revolving Loan Program - $508.9 million
- Water Infrastructure Improvements - $155.7 million
- Small County Wastewater Treatment Grants - $11.5 million
- Land and Water Conservation Grants - $13.8 million
- Local Parks - $22.9 million
- State Parks Maintenance and Repairs - $37 million

Fish and Wildlife Conservation Commission

Total: $517.6 million [$113.5 million GR; $126.8 million LATF; $277.3 million TF]; 2,178 positions

- Increased Law Enforcement Positions - $8.1 million; 17 positions
- Law Enforcement Vehicle Replacement - $5.5 million
- Law Enforcement Equipment and Expenses - $9.4 million
- Motor Vehicle/Vessel Replacement - $5.8 million
- Artificial Reef - $10.6 million
- Wildlife Management Area Additions - $3.1 million; 3 positions
- Lake Restoration - $3 million

- Manatee Population Assessment and Management - $0.9 million; 3 positions
- Invasive Species Control - $4 million; 4 positions
- Wildlife Habitat Restoration Projects - $23.3 million
- Temporary Housing for New Staff - $1 million
- Freeman Conservation Center - $2.7 million
- Maintenance and Repairs - $1.2 million
- FWRI Facilities Maintenance, Repair, and Replacement - $8.9 million

Department of Business and Professional Regulation

Total: $172.1 million [$3.4 million GR; $168.7 million TF]; 1,560 positions

- Licensing System Identity Verification Technology - $3.5 million
- Motor Vehicle Acquisition for Hotel and Restaurant Inspectors - $1.2 million
- Private Lease Cost Increase - $2.3 million

Florida Gaming Control Commission

Total: $28.6 million TF; 188 positions

- Information Technology Infrastructure - $1.1 million
- Operational Licensing System Studies - $1.1 million

Department of Financial Services

Total: $679.3 million [$200.6 million GR; $478.7 million TF]; 2,588 positions

- My Safe Florida Home Additional Funding - $102 million
- PALM Readiness - $3 million
- PALM Contract Contingency - $1.5 million
- Coverage Plan for Maintaining FLAIR - $2.1 million
- PALM (FLAIR Replacement) - $62.6 million; 20 positions
- Increase in Contracted Legal Services, Investigations, Medical Bill Review, Excess Property Insurance and Medical Case Management - $16.1 million
- Information Technology Security, Support, and Enhancements - $13.2 million
- Property and Casualty/Homeowners Fraud Investigation - $1.3 million; 7 positions
- Local Government Fire and Firefighter Services - $87.4 million
- Firefighter Cancer Initiative - $2 million
- Increase Contracted Services for Division of Risk Management - $10 million
- Law Enforcement and Florida State Fire College Enhancements, Vehicles, Equipment, and Training - $5 million

Department of the Lottery

Total: $223.3 million TF; 424 positions

- Information Technology Security, Support, and Enhancements - $2.7 million; 4 positions

- Increase to Instant Ticket Purchase - $1 million
- Increase to Gaming System Contract - $5.8 million

Department of Management Services

Total Budget: $903.5 million [$240.5 million GR; $663 million TF]; 1,036 positions

- Florida Facilities Pool (FFP) Fixed Capital Outlay - $65.4 million
- Fixed Capital Outlay Special Purpose - $48 million
  - Capital Circle Office Complex Planning and Design - $6 million
  - Florida Capitol Building Cabinet Office Renovations - $20 million
  - Sixth District Court of Appeal New Courthouse Planning and Design - $6 million
  - Land and Building Acquisition - $8 million
  - FFP Security Improvements - $4 million
  - Capitol Complex Memorial Park - $2 million
- Statewide Law Enforcement Radio System (SLERS) Towers and Workload - $6 million
- SLERS Radio Replacement - $6 million
- Local Government Cybersecurity Grants - $40 million
- Enterprise Cybersecurity Resiliency - $10 million
- Florida PALM IV and V - $6 million
- Florida Health Care Connection (FX) Project Assessment - $5 million
- First Net Subscriptions - $2.2 million
- Weight Loss Pilot Program - $1.5 million
- Florida Commission on Human Relations - $0.8 million; 11 positions
- Public Employee Relations Commission Staffing for Implementation of SB 256 - $0.9 million; 6 positions

Division of Administrative Hearings

Total Budget: $31.2 million TF; 216 positions

- Additional Administrative Law Judge Positions for Citizens Property Insurance Disputes - $1 million; 5 positions

Public Service Commission

Total: $28.9 million TF; 272 positions

Department of Revenue

Total: $717.3 million [$280.1 million GR; $437.2 million TF]; 5,011 positions

- Fiscally Constrained Counties - $59.4 million
- Child Support Partner Agency Increases - $4.9 million
- IT Issues - $3.7 million

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except where otherwise expressly provided.
Vote: Senate 38-0; House 111-0

Committee on Appropriations

SB 2502 — Implementing the Fiscal Year 2023-2024 General Appropriations Act

by Appropriations Committee

The bill provides the following substantive modifications for the 2023-2024 fiscal year:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2023-2024.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 amends s. 1009.895, F.S., to modify the Open Door Grant Program.

Section 4 provides that the amendments to s. 1008.895, F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 5 amends s. 1002.68(4)(a)(f), (5) and (6)(e), F.S., to extend the timelines for the development and implementation of methodology relating to performance metrics for voluntary prekindergarten providers and removes the provisions that would disqualify a voluntary prekindergarten provider based on a failure to meet minimum program assessment composite scores.

Section 6 provides that the amendments to s. 1009.895(4)(a)(f), (5) and (6)(e), F.S., expire July 1, 2024, and the text of those sections reverts to that in existence on June 30, 2023.

Section 7 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children's Medical Services (CMS) Program for the implementation of the Statewide Medicaid Managed Care program, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 8 authorizes the AHCA to submit a budget amendment to realign funding priorities within the Medicaid program appropriation categories to address any projected surpluses and deficits.

Section 9 authorizes the AHCA and the DOH to each submit a budget amendment to realign funding within the Florida KidCare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of Fiscal Year 2023-2024.

Section 10 amends s. 381.986(17), F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when adopting rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2024, are exempt from the legislative ratification provision of ss. 120.54(3)(b) and 120.541, F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2024.

Section 11 amends s. 14(1), ch. 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of ss. 120.54(3)(b) and 120.541, F.S., until July 1, 2024.

Section 12 provides that the amendments to s. 14(1), ch. 2017-232, L.O.F., expire on July 1, 2024, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 13 authorizes the AHCA to submit budget amendments to implement the federally approved Directed Payment Program for hospitals statewide, the Indirect Medical Education Program, and a nursing workforce expansion and education program.

Section 14 authorizes the AHCA to submit budget amendments to implement the federally approved Directed Payment Program and fee-for-service supplemental payments for cancer hospitals that meet certain federal criteria and provides an extension for Fiscal Year 2022-2023 Letters of Agreement.

Section 15 authorizes the AHCA to submit a budget amendment, including specified information, to implement the Low Income Pool Program.

Section 16 authorizes the AHCA to submit a budget amendment to implement fee-for-service supplemental payments and a directed payment program for physicians and subordinate licensed health care practitioners employed by or under contract with a Florida medical or dental school or a public hospital and provides an extension for Fiscal Year 2022-2023 Letters of Agreement.

Section 17 authorizes the AHCA to submit a budget amendment requesting budget authority for public emergency medical transportation services.

Section 18 allows the Department of Children and Families (DCF) to submit a budget amendment to realign funding within DCF based on the implementation of the Guardianship Assistance Program, including between guardianship assistance payments, foster care Level 1 board payments, and relative and nonrelative caregiver payments for current caseload.

Section 19 authorizes the DCF, DOH and AHCA to submit budget amendments to increase budget authority as necessary to meet caseload requirements for Refugee Programs administered by the federal Office of Refugee Resettlement. Requires the DCF to submit quarterly reports on caseload and expenditures.

Section 20 authorizes the DCF to submit budget amendments to increase budget authority to support the following federal grants: the Supplemental Nutrition Assistance Grant Program, the Pandemic Electronic Benefit Transfer, the American Rescue Plan Grant, the State Opioid Response Grant, the Substance Abuse Prevention and Treatment Block Grant, and the Mental Health Block Grant.

Section 21 authorizes the DOH to submit a budget amendment to increase budget authority for the Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Child Care Food Program if additional federal revenues become available.

Section 22 authorizes the DOH to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available.

Section 23 authorizes the DOH to submit a budget amendment to increase budget authority for DOH if additional federal revenues specific to COVID-19 become available.

Section 24 reenacts and amends s. 21, ch. 2021-37, L.O.F., to require the AHCA to replace the current Florida Medicaid Management Information System and provides requirements of the system. This section also establishes the executive steering committee (ESC) membership, duties and the process for the ESC meetings and decisions. Provides requirements for deliverables-based fixed price contracts.

Section 25 requires the AHCA, in consultation with the DOH, Agency for Persons with Disabilities (APD), DCF, and the Department of Corrections (DOC), to competitively procure a contract with a vendor to negotiate prices for prescriptions drugs, including insulin and epinephrine, for all participating agencies. The contract must require that the vendor be compensated on a contingency basis paid from a portion of the savings achieved through the negotiation and purchase of prescription drugs.

Section 26 authorizes the Agency for Persons with Disabilities (APD) to submit budget amendments to transfer funding from salaries and benefits to contractual services in order to support additional staff augmentation at the Developmental Disability Centers.

Section 27 amends s. 409.915(1), F.S., to provide that the term "state Medicaid expenditures" does not include funds specially assessed by any local governmental entity and used as the nonfederal share for the hospital Directed Payment Program after July 1, 2021.

Section 28 amends s. 216.262(4), F.S., to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during Fiscal Year 2023-2024 for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. Subject to Legislative Budget Commission (LBC) review and approval, the additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population.

Section 29 amends s. 215.18(2), F.S., to provide the Chief Justice of the Supreme Court the authority to request a trust fund loan.

Section 30 requires the Department of Juvenile Justice (DJJ) to review county juvenile detention payments to ensure that counties are fulfilling their financial responsibilities. If the department determines that a county has not met its obligations, Department of Revenue must deduct the amount owed to the DJJ from shared revenue funds provided to the county under s. 218.23, F.S.

Section 31 reenacts ss. 27.40(1), (2)(a), (3)(a), and (5)-(7), F.S., to continue to require written certification of conflict by the public defender or regional conflict counsel before a court may appoint private conflict counsel.

Section 32 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5)-(7), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 33 amends s. 27.5304(6) and (13), F.S., to create a rebuttable presumption of correctness for objections to billings made by the Justice Administrative Commission and provides requirements for payments to private counsel. This section reenacts s. 27.5304(1), (3), (7), (11), and (12)(a)-(e), F.S., to increase caps for compensation of court appointed counsel in criminal cases.

Section 34 provides that the amendments to s. 27.5304(1), (3), (6), (7), (11), and (12)(a)-(e), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 35 requires the Department of Management Services (DMS) and state agencies to utilize a tenant broker to renegotiate private lease agreements that expire between July 1, 2024, and June 30, 2026, and are in excess of 2,000 square feet, and to submit a report by November 1, 2023.

Section 36 provides that, notwithstanding s. 216.292(2)(a), F.S., which authorizes transfers of up to five percent of approved budget between categories, agencies may not transfer funds from a data center appropriation category to a category other than a data center appropriation category.

Section 37 authorizes the Executive Office of the Governor (EOG) to transfer funds in the appropriation category "Special Categories-Risk Management Insurance" between departments

in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 38 authorizes the EOG to transfer funds in the appropriation category "Special Categories - Transfer to the DMS - Human Resources Services Purchased per Statewide Contract" of the GAA for Fiscal Year 2023-2024 between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 39 authorizes the DMS to use five percent of facility disposition funds from the Architects Incidental Trust Fund to offset relocation expenses associated with the disposition of state office buildings.

Section 40 authorizes the DMS, notwithstanding s. 253.025(4), F.S., to acquire additional state-owned office buildings or property for inclusion in the Florida Facilities Pool.

Section 41 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee membership and the procedures for executive steering committee meetings and decisions.

Section 42 reenacts s. 282.709(3), F.S., to carryforward the DMS's authority to execute a 15-year contract with the SLERs operator.

Section 43 provides that the text of s. 282.709(3), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 1, 2021.

Section 44 authorizes state agencies and other eligible users of the SLERS network to utilize the DMS state SLERS contract for the purchase of equipment and services.

Section 45 authorizes a reduction of the MyFloridaMarketPlace (MFMP) transaction fee from one percent to .70 percent for Fiscal Year 2023-2024.

Section 46 amends s. 24.105(9)(i), F.S., to provide that except for Fiscal Year 2023-2024, effective July 1, 2023, the commission for Florida Lottery ticket sales is 6.0 percent of the purchase price of each ticket sold or issued as a prize by a retailer. Any additional retailer compensation is limited to the Florida Lottery Retailer Bonus Commission.

Section 47 provides that the amendment to s. 24.105(9)(i), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2022.

Section 48 amends s. 717.123(3), F.S., to increase the cap under which the Department of Financial Services is authorized to retain unclaimed property funds that would otherwise be required to be distributed to the State School Fund.

Section 49 amends s. 627.351(6)(ll), F.S., to authorize Citizen's Property Insurance Corp. to adopt policy forms authorizing disputes regarding claim determinations to come before the Division of Administrative Hearings.

Section 50 creates the drone replacement program within the Department of Law Enforcement (FDLE). The program must provide funds to law enforcement agencies that turn in drones that are not in compliance with s. 934.50, F.S. To be eligible, the drone must have not reached its end-of-life and still be in working condition. Funds are provided per drone based upon the drone's current value. Grant funds may only be used to purchase statutorily compliant drones. The FDLE must expeditiously develop an application process and funds must be allocated on a first-come, first-served basis, determined by the date the FDLE receives the application.

In addition, this section requires the FDLE to provide drones received through the program to the Florida Center for Cybersecurity (Center) within the University of South Florida. The Center must analyze whether the drones present cybersecurity concerns and submit its findings or recommendations to the DMS regarding the drone's safety or security.

Section 51 amends s. 120.80, F.S., to provide that for the 2023-2024 fiscal year, the Public Service Commission (PSC) is exempt from rule ratification when regulatory assessment fees adopted pursuant to ss. 350.113, 364.336, 366.14, 367.145, and 368.109, F.S., are set within statutory limits.

Section 52 amends s. 215.18(3), F.S., to authorize loans to land acquisition trust funds within several agencies.

Section 53 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 54 amends s. 259.105(3), F.S., to notwithstand the Florida Forever statutory distribution and authorize the use of funds from the trust fund as provided in the GAA.

Section 55 reenacts s. 570.93(1)(a), F.S., to revise the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 56 provides that the amendments to s. 570.93(1)(a), F.S., expire July 1, 2024, and the text of that section reverts to that in existence on June 30, 2019.

Section 57 amends s. 376.3071(15)(g), F.S., to revise the requirements for the usage of the trust fund for ethanol or biodiesel damage.

Section 58 provides that the amendment to s. 376.3071(15)(g), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on July 1, 2020.

Section 59 provides that, notwithstanding ch. 287, F.S., the Department of Citrus is authorized to enter into agreements to expedite the increased production of citrus trees that show tolerance or resistance to citrus greening.

Section 60 amends s. 161.101(22), F.S., to notwithstand subsections (1), (15), and (16) for the 2023-2024 fiscal year to allow the Department of Environmental Protection to waive or reduce certain match requirements for specified counties for beach management and erosion control projects.

Section 61 amends s. 10, ch. 2022-272, L.O.F., to extend the Hurricane Restoration Reimbursement Grant Program through the 2023-2024 fiscal year.

Section 62 amends s. 321.04(3)(b) and (5), F.S., to provide that for Fiscal Year 2023-2024, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 63 amends s. 288.80125(4), F.S., to allow funds to be used for the Rebuild Florida Revolving Loan Fund Program to provide assistance to businesses impacted by Hurricane Michael as provided in the GAA.

Section 64 amends s. 288.8013(3), F.S., to no longer require the interest earned on the Triumph funds to be transferred back into the Triumph Gulf Coast Trust Fund, no other deposits are made into this trust fund. Funds may be used for administrative costs including costs in excess of the statutory cap.

Section 65 provides that the amendment to s. 288.8013(3), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2023.

Section 66 amends s. 339.08(4) F.S., to authorize funds appropriated to the State Transportation Trust Fund from the General Revenue Fund to be used as provided in the GAA.

Section 67 amends s. 339.135(7)(h), F.S., to authorize the chair and vice chair of the Legislative Budget Commission (LBC) to approve, pursuant to s. 216.177, F.S., a Department of Transportation (DOT) work program amendment that adds a new project, or a phase of a new project, in excess of $3 million, if the LBC does not meet or consider, within 30 days of submittal, the amendment by the DOT.

Section 68 creates s. 250.245, F.S., to establish the Florida National Guard Joint Enlistment Enhancement Program (JEEP) within the Department of Military Affairs to provide bonuses to certain guardsmen in an effort to bolster recruitment efforts and increase the force structure of the Florida National Guard.

Section 69 amends s. 288.0655(7), F.S., to authorize rural Florida Panhandle counties to participate in the Rural Infrastructure Fund grant program as authorized in the GAA.

Section 70 authorizes the Division of Emergency Management to submit budget amendments to increase budget authority for projected expenditures due to federal reimbursements from federally declared disasters.

Section 71 amends s. 112.061(4)(d), F.S., to permit a lieutenant governor who resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence may be paid travel and subsistence expenses when travelling between their official headquarters and the State Capitol to conduct state business.

Section 72 revises the DMS's authority relating to the procurement of HMOs. Authorizes DMS to enter into contracts that may require the payment of administrative fees in excess of 110 percent of the amount appropriated in the GAA.

Section 73 requires the DMS to assess an administrative health insurance assessment to each state agency equal to the employer's cost of individual employee health care coverage for each vacant position within such agency eligible for coverage through the Division of State Group Insurance. This section does not apply to positions funded with federal funds.

Section 74 provides that, notwithstanding s. 11.13, F.S., salaries of legislators must be maintained at the same level as July 1, 2010.

Section 75 reenacts s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the General Appropriations Act.

Section 76 provides that the amendment to s. 215.32(2)(b), F.S., expires July 1, 2024, and the text of that section reverts to that in existence on June 30, 2011.

Section 77 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of the activity before approving travel.

Section 78 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $225 per day. An employee may expend his or her own funds for any lodging expenses in excess of $225.

Section 79 authorizes the LBC to approve budget amendments for new fixed capital outlay projects or increase the amounts appropriated to state agencies for fixed capital outlay projects.

Section 80 amends s. 350.0614, F.S., to provide that the operating budget as approved jointly by the President and the Speaker from moneys appropriated to the Public Counsel by the Legislature constitutes the allocation under which the Public Counsel will manage the duties of his or her office; and require the Public Counsel to submit annual budget amendments to the Legislature in the format, detail, and schedule determined by the President and the Speaker.

Section 81 requires reviews for transfers to comply with ch. 216, F.S., maximize the use of available and appropriate funds, and not be contrary to legislative policy and intent.

Section 82 provides that, notwithstanding ch. 287, F.S., state agencies are authorized to purchase vehicles from non-State Term Contract vendors provided certain conditions are met.

Section 83 provides that, notwithstanding s. 255.25, F.S., the Department of Management Services, the Executive Office of the Governor, the Commissioner of Agriculture, the Chief Financial Officer, and the Attorney General are authorized to enter into a lease as a lessee for the use of space in a privately owned building, even if such space is 5,000 square feet or more, without having to advertise or receive competitive solicitations.

Section 84 authorizes the DEP to purchase lands within certain land areas; requires the DEP, in order to reduce land management costs, to provide a lease back option to the sellers under certain circumstances; and requires the DEP to review land management activities.

Section 85 prohibits a local government from adopting or amending a fertilizer management ordinance pursuant to s. 403.9337, F.S., which provides for a prohibited application period not in existence on June 30, 2023.

Section 86 specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 87 provides that if any other act passed during the 2023 Regular Session contains a provision that is substantively the same as a provision in this act, but removes or otherwise is not subject to the future repeal applied by this act, the intent is for the other provision to take precedence and continue to operate.

Section 88 provides for severability.

Section 89 provides for a general effective date of July 1, 2023 (except as otherwise provided).

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except where otherwise expressly provided.
Vote: Senate 38-0; House 105-5

Committee on Appropriations

SB 2504 — Collective Bargaining

by Appropriations Committee

The bill directs the resolution of the collective bargaining issues at impasse for the 2023-2024 fiscal year regarding state employees. All other mandatory collective bargaining issues at impasse for the 2023-2024 fiscal year which are not addressed by the bill or the General Appropriations Act for the 2023-2024 fiscal year are resolved in accordance with the personnel rules in effect on May 1, 2023, and by otherwise maintaining the status quo under the language of the applicable current collective bargaining agreement.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 112-0

Committee on Appropriations

SB 2506 — Capitol Complex

by Appropriations Committee

The bill, relating to the Capitol Complex, conforms statutes to the funding decisions in the General Appropriations Act for Fiscal Year 2023-2024, which appropriates $2 million in nonrecurring funds from the Architects Incidental Trust Fund for the design and development of the Memorial Park. Specifically, the bill:

- Revises the definition of "Capitol Complex" to include the Holland Building, Elliot Building, R.A. Gray Building, and the associated parking garages. However, the bill specifically excludes the Supreme Court Building and public streets adjacent thereto.
- Modifies the boundaries of the Capitol Complex to include the state-owned lands and public streets adjacent within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King Jr. Boulevard, and Gaines Street.
- Designates a specified portion of the Capitol Complex as "Memorial Park."
- Defines "Memorial Park" as the portion of the Capitol Complex existing between and including the Elliot Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street.
- Requires authorized monuments be placed within Memorial Park.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 97-13

Committee on Appropriations

SB 2510 — Health

by Appropriations Committee

The bill, relating to Health conforms statutes to the funding decisions related to Health Care in the General Appropriations Act for Fiscal Year 2023-2024. The bill:

- Increases the income threshold above which a resident in a State Veterans' nursing facility would be required to contribute to his or her account from $130 to $160 per month.
- Clarifies the premiums paid under Florida KidCare's full-pay programs are based on the combined-risk premium.
- Increases the nursing home prospective payment reimbursement methodology for the Quality Incentive Program Payment Pool from 6 percent to 10 percent of the September 2016 non-property related payments of included facilities.
- Creates the Graduate Medical Education Slots for Doctors Program.
- Provides for a portion of the Statewide Medicaid Managed Care achieved savings rebate to be repaid to the federal government.
- Establishes a Medicaid long-term care managed care pilot program in certain counties to integrate health care services, long-term care services, and home and community-based services for persons with developmental disabilities; requires the Agency for Health Care Administration to seek federal approval to implement the pilot program; and requires the plans to begin providing service coverage upon authorization and availability of sufficient state and federal resources.
- Clarifies that the Agency for Health Care Administration may not require a home health agency that does not provide skilled home health services and only provides private duty nursing services and attendant nursing care services, to meet the requirements of Medicare certification for participation in the Medicaid program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except where otherwise expressly provided.
Vote: Senate 38-0; House 111-0

Committee on Appropriations

HB 5101 — Education

by PreK-12 Appropriations Subcommittee and Representative Tomkow

The bill conforms law to the appropriations provided in SB 2500, the General Appropriations Act for Fiscal Year 2023-2024 for prekindergarten through grade 12 education. Specifically, the bill:

Section 1 modifies s. 11.45, F.S., to require the Auditor General to conduct an annual financial audit of the Florida School for Competitive Academics (FSCA) created in s. 1002.351, F.S., and at least every three years conduct an operational audit of the FSCA.

Section 2 modifies s. 110.1228, F.S., to conform a cross reference regarding specified funding for small school districts, in place of the sparsity supplement.

Section 3 modifies s. 216.251, F.S., to specify that the Florida School for Competitive Academics (FSCA) salaries are provided within the classification and pay plans established by the board of trustees for the FSCA and approved by the State Board of Education (SBE) for academic and academic administrative personnel.

Section 4 amends s. 402.22, F.S., relating to certain residential education programs to conform a cross reference regarding categorical funds.

Section 5 modifies s. 447.203, F.S., to specify that the board of trustees of the Florida School for Competitive Academics (FSCA) is deemed to be the public employer with respect to the academic and academic administrative personnel of the FSCA.

Section 6 modifies s. 1000.04, F.S., to create the Florida School for Competitive Academics as an additional component of Florida's Early Learning-20 public education system.

Section 7 amends s. 1000.071, F.S., created in CS/CS/HB 1069, which specifies that the requirements related to personal titles and pronouns apply only to the actions an employee or contractor acting within his or her employment duties.

Section 8 modifies s. 1001.20, F.S., to add the Florida School for Competitive Academics to those institutions under the authorized investigatory activities of the Department of Education's Office of Inspector General.

Section 9 amends s. 1001.215, F.S., related to the Just Read, Florida! Office to conform cross-references relating to evidence-based strategies, and technical assistance for district reading instruction plans required under s. 1003.4201, F.S.

Section 10 amends s. 1001.26, F.S., to expand the public broadcasting program system to include radio stations.

Section 11 amends s. 1001.42, F.S., relating to district school board authority in an identified educational emergency, which authorizes the school board to:

- Adopt salary incentives and other strategies for instructional personnel.
- Notwithstanding collective bargaining and teacher assignment requirements, provide differentiated salary incentives based on teacher qualifications or teaching areas, and adopt strategies to assign teachers to low-performing schools.

Section 12 amends s. 1001.43, F.S., relating to authority over fiscal management by a district school board to add assessment of a grade K-12 fee for voluntary, noncredit summer school enrollment in basic program courses. The fee must be based on an ability to pay.

Section 13 amends s. 1002.32, F.S., to change the state funding formula under the Florida Education Finance Program relating to developmental research (laboratory) schools, to specify contributions from the nonvoted required local effort millage and the operating discretionary millage.

Section 14 creates s. 1002.351, F.S., to establish the Florida School for Competitive Academics (FSCA) in Alachua County as a state-supported public school for Florida residents in grades 6-12, which may admit students beginning in the 2024-2025 school year. The act also:

- Establishes a mission and purpose of the school to provide a rigorous academic curriculum and to prepare students for regional, state, and national academic competitions.
- Establishes the FSCA board of trustees composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. The act specifies powers and duties of the FSCA board of trustees relating to rulemaking, personnel, students, budgets and finances, and records, and authorizes the board of trustees to make recommendations to the Legislature that the school become a residential public school.
- Requires the FSCA board of trustees to prepare and submit legislative budget requests, which will be funded outside of the Florida Education Finance Program.
- Requires the FSCA to be included in the school choice online portal established in s. 1001.10(10), F.S.
- Requires the FSCA board of trustees and all employees and applicants for employment to undergo a Level 2 background screening, and for all teachers to be Florida certified.
- Requires the Auditor General to conduct audits of the FSCA as provided in law.
- Exempts the FSCA from all statutes in chs. 1000-1013, F.S., with exceptions.

Section 15 amends s. 1002.37, F.S., to include conforming provisions to changes made by the act that replaces the district cost differential with the comparable wage factor, and changes the funding formula for the Florida Virtual School based on modifications made to s. 1011.62, F.S.

Section 16 amends s. 1002.394, F.S., to modify the funding formula for the Family Empowerment Scholarship Program, to conform to changes made to s. 1011.62, F.S.

Section 17 amends s. 1002.45, F.S., to limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction to no more than those that can be funded from state Florida Educational Finance Program funds.

The act also conforms to changes made by the act by modifying the funding formula for Florida virtual instruction programs and virtual charter schools based on modifications made to s. 1011.62, F.S.

Section 18 amends s. 1002.59, F.S., to revise a cross reference regarding evidence-based content and strategies identified by the Just Read, Florida! office for emergent literacy courses.

Section 19 amends s. 1002.71, F.S., related to funding for the Voluntary Prekindergarten (VPK) program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 20 amends s. 1002.84, F.S., related to distribution of funding by early learning coalitions for the school readiness program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 21 amends s. 1002.89, F.S., related to funding for the school readiness program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 22 amends s. 1002.995, F.S., to permit the Department of Education to provide incentives related to early learning career pathways for any instructors who work in a child care or early learning setting.

Section 23 amends s. 1003.03, F.S., related to accountability for exceeding the class size maximums to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 24 creates s. 1003.4201, F.S., to require each district school board to implement a system of comprehensive reading instruction for prekindergarten through grade 12 students, and certain students who exhibit a substantial deficiency in early literacy. Each plan developed by the district must be approved by the district school board. Charter schools must comply by either being included in the district's plan or submitting an individual plan. The plan may include:

- Additional instructional time.
- Use of highly qualified reading coaches to support classroom teachers.
- Professional development to help instructional personnel and certified prekindergarten teachers funded by the FEFP earn certain advanced education.
- Summer reading camps for all students in kindergarten through grade 5 who exhibit reading deficiencies.
- Incentives for instructional personnel and certified prekindergarten teachers.
- Tutoring in reading.

Each plan must include school year expenditures for each component of the plan. The reading instructional plan must be submitted to the DOE by August 1 of each fiscal year for evaluation. The DOE must report findings to the legislature and the State Board of Education.

Section 25 amends s. 1003.485, F.S., to conform cross references relating to duties of the administrator of the New Worlds Reading Initiative.

Section 26 amends s. 1003.621, F.S., related to academically high-performing school districts to conform provisions to changes made by the act for the district reading instruction plan, and purchase of instructional materials.

Section 27 amends s. 1004.935, F.S., related to the Adults with Disabilities Workforce Education Program to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 28 creates s. 1006.041, F.S., requiring each school district to implement a school-based mental health assistance program that includes training to detect and respond to mental health issues. The school district must develop a plan that is approved by the district school board. The plan must be focused on a multi-tiered system of supports that includes:

- Direct employment of school-based mental health services providers.
- Contracts or interagency agreements with local community behavioral health providers or Community Action Team services.
- Policies and procedures for timelines for services, parental/household notification, at-risk students, early identification, de-escalation, and requirements for contacting mental health professionals.

Plans must be submitted to the Department of Education annually by August 1, and a report of outcomes and expenditures for the prior year with specific requirements be submitted annually by September 30.

Section 29 amends s. 1006.07, F.S., to conform provisions to changes made by the act relating to the mental health assistance program created in s. 1006.041, F.S.

Section 30 modifies s. 1006.1493, F.S., to include the statutory requirement previously included in s. 1011.62(12), F.S., for each school district to annually report to the Office of Safe Schools by October 15 that all public schools within the school district have completed the Florida Safe Schools Assessment Tool.

Section 31 amends s. 1006.28, F.S., to provide a definition for a "library media center," to include classrooms, and to require that, annually by August 1, each school district superintendent certify that the district school board has approved a comprehensive staff development plan that supports the implementation of instructional materials programs.

Section 32 amends s. 1006.40, F.S., regarding the purchase of instructional material to require each district school superintendent to certify to the Commissioner of Education the estimated allocation of state funds for instructional materials, removes references and requirements for the instructional materials allocation, and provides flexibility in the purchase of certain materials identified by the Just Read, Florida! office.

Section 33 amends s. 1007.271, F.S., regarding the dual enrollment program to clarify that school districts must pay the cost of instructional materials for public high school students.

Section 34 amends s. 1008.25, F.S., regarding Voluntary Prekindergarten (VPK) program students exhibiting a substantial deficiency in early literacy skills to remove a reference to the provision to pay for services from the district's evidence-based reading instruction allocation.

Section 35 amends s. 1008.345, F.S., regarding the state accountability system to change a reference from the Evidence-Based Reading Instruction Allocation to the district reading instruction plan.

Section 36 amends s. 1008.365, F.S., to modify requirements for the Reading Achievement Initiative for Scholastic Excellence (RAISE) program to revise cross references, and to implement:

- Reading instruction that must be proven to accelerate progress of students with a reading deficiency.
- Differentiated instruction based on the evaluation of a student's needs.
- Specified reading strategies.

Section 37 amends s. 1010.20, F.S., relating to school district cost reporting to revise a cross reference for categorical funds.

Section 38 creates s. 1011.58, F.S., to require and establish procedures for the Florida School for Competitive Academics (FSCA) to prepare and submit legislative budget requests (LBRs). The LBR of the FSCA must be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education (DOE). The FSCA must submit its LBR and an implementation plan to the DOE for review and approval. Once approved, the Commissioner of Education must include the FSCA in the DOE's LBR to the State Board of Education, the Governor, and the Legislature.

The FSCA must also submit its fixed capital outlay request to the DOE for review and approval, which must be included within the DOE's public education capital outlay LBR.

Section 39 creates s. 1011.59, F.S., which creates flexibility in managing Florida School for Competitive Academics (FSCA) funds. The act requires the FSCA to request and appropriate funds within budget entities, program components, program categories, lump sums, or special categories, but authorizes the board of trustees to transfer to traditional categories for expenditure

by the board of trustees of the FSCA. The board of trustees must develop an annual operating budget that allocates funds by program component and traditional expenditure category.

The FSCA is exempted from preparing a lump-sum plan to implement the special categories, program categories, or lump-sum appropriations. Finally, the act authorizes all unexpended funds appropriated for the FSCA to be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 40 amends s. 1011.61, F.S., to revise cross references for costs and programs included in the Florida Education Finance Program.

Section 41 modifies s. 1011.62, F.S., to:

- Require the cost factor for secondary career education programs to be higher than the cost factor for basic programs grade 9 through 12.
- Repeal the weighted enrollment ceiling for group 2 programs.
- Modify the funding model for ESE programs to clarify that the ESE program formula applies only to students using a matrix of services in support levels IV and V.
- Codify the small district ESE guaranteed allocation to provide an additional value per full-time equivalent student membership to school districts with a full-time equivalent student membership of fewer than 10,000 and fewer than three full-time equivalent students in ESE support levels IV and V.
- Remove the sparsity supplement and instead establishes a small district factor to provide an additional value per full-time equivalent student membership to each school district with a full-time equivalent student membership of fewer than 20,000 full-time equivalent students that is in a fiscally constrained county.
- Rename the district cost differential as the comparable wage factor (CWF) and modifies its application by authorizing the use of the CWF in the calculation of the base FEFP funding only when a school district’s CWF is greater than 1.000. The act also authorizes the application of the modified adjustment to any categorical provided in the FEFP that has a calculation methodology that includes the CWF.
- Create the state-funded discretionary contribution to fund the nonvoted discretionary millage for operations for lab schools and the Florida Virtual School and incorporates the funding formula from s. 1002.32, F.S., for lab schools, and s. 1002.37, F.S., for the Florida Virtual School.
- Create the educational enrichment allocation, which incorporates a formula for a modified supplemental academic instruction categorical and the eligible uses of the turnaround school categorical.
- Amend the ESE guaranteed allocation to require the allocation to be the greater of either the school district's prior year ESE guaranteed allocation funds per eligible full-time equivalent student or the ESE guaranteed allocation factor as specified in the General Appropriations Act multiplied by the school district's total number of eligible full-time equivalent students. The allocation must be recalculated during the fiscal year and prorated to the level of the appropriation based on each school district's share of the total recalculated allocation amount.

- Shift requirements for the evidence-based reading instruction allocation to s. 1003.4201, F.S., which is created within the act.
- Authorize funds from the supplemental allocation for juvenile justice education programs to be used to pay for the high school equivalency examination fees for specified juvenile justice students, industry credentialing testing fees, and the costs associated with enrollment in career and technical education courses that lead to industry-recognized certifications.
- Transfer to s. 1006.1493, F.S., the statutory requirement for each school district to annually report to the Department of Education by October 15 that all public schools within the school district have completed the Florida Safe Schools Assessment Tool.
- Transfer to s. 1006.041, F.S., which is created by the act, the requirements for district mental health assistance plans.
- Amend the teacher salary increase allocation to:
    - Rename the allocation as the classroom teacher and other instructional personnel salary increase.
    - Provide flexibility for school districts and charter schools on their use of funds for salary increases for instructional personnel once the minimum base salary requirements have been met.
    - Remove school district and DOE reporting requirements.
- Establish a state-funded discretionary supplement to fund the nonvoted discretionary millage for operations for students awarded a Family Empowerment Scholarship that is similar to the discretionary contribution for lab schools and the Florida Virtual School.
- Amend current requirements for district school boards to transfer funds between categoricals to allow district school boards to transfer funds from any of the categorical programs to the appropriate account for expenditure, subject to conditions and reporting to the Department of Education.
- Create the educational enrollment stabilization program to authorize the Legislature to appropriate funds to the Department of Education to ensure that, based on each recalculation of the FEFP, a school district's funds per unweighted full-time equivalent student are not less than the greater of either the school district's funds per unweighted full-time equivalent student as appropriated in the General Appropriations Act or the school district's funds per unweighted full-time equivalent student as recalculated based on the certified taxable value for school purposes pursuant to s. 1011.62(4), F.S.
- Remove the requirement that calculations required in the FEFP be based on 95 percent of the taxable value for school purposes for fiscal years prior to the 2010-2011 fiscal year.

Section 42 amends s. 1011.622, F.S., regarding adjustments for students without a Florida identification number to conform to the repeal of s. 1011.67, F.S.

Section 43 repeals s. 1011.67, F.S., relating to funds for instructional materials.

Section 44 amends s. 1011.69, F.S., to conform a provision in the Equity in School-Level Funding Act to remove reference to the supplemental academic instruction allocation.

Section 45 amends s. 1011.84, F.S., relating to determining state financial supports to Florida College System institutions to include a conforming provision to changes made by the act that replaces the district cost differential with the comparable wage factor.

Section 46 amends s. 1012.22, F.S., to remove the restriction on salary adjustments that specify that until a school district reaches a minimum base salary of $47,500, an annual increase under the performance salary schedule must be at least 150 percent of the adjustment under a grandfathered schedule, and then 75 percent thereafter.

Section 47 amends s. 1012.44, F.S., relating to speech-language services to conform a cross reference regarding specified funding for small school districts, rather than the sparsity supplement.

Section 48 amends s. 1012.584, F.S., relating to the youth mental health awareness and training to change the reference from the mental health allocation to mental health assistance programs.

Section 49 amends s. 1012.586, F.S., to revise a cross reference regarding reading endorsement pathways.

Section 50 amends s. 1012.71, F.S., to require the award per classroom teacher for the Florida Teachers Classroom Supply Assistance Program be specified in the General Appropriations Act, and:

- Specify that a job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher.
- Require the Department of Education to administer a competitive procurement through which eligible classroom teachers may annually purchase classroom materials and supplies.
- Require unused funds to be expended for classroom materials and supplies as determined by the school principal, if the school does not have a school advisory council.

Section 51 creates s. 1012.715 F.S., to establish the Heroes in the classroom sign-on bonus (Heroes program) to provide a one-time sign-on bonus, as provided in the GAA, to specified retired first responders and veterans who commit to joining the teaching profession as a full-time classroom teacher. An eligible individual may also receive an additional bonus for teaching a course in a critical teacher shortage area as defined in law. The Heroes program provides eligibility criteria, which includes receipt of an educator certificate and a commitment to maintaining employment as a teacher for two years. An individual that does not fulfill the employment requirement must reimburse the Department of Education (DOE). The act establishes responsibilities for the DOE and hiring school district.

Section 52 directs the Division of Law Revision to revise the title of subpart D of part I of chapter 1011, F.S., consisting of ss. 1011.55-1011.59, F.S., to read “Florida School for the Deaf and the Blind and Florida School for Competitive Academics: Preparation, Adoption, and Implementation of Budgets" to conform to the amendments made by this act.

Section 53 provides that amendments to s. 1003.03, Florida Statutes, shall not take effect if HB 633 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 54 provides for an effective date of July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 111-0

Committee on Appropriations

HB 5303 — Biomedical Research

by Health Care Appropriations Subcommittee and Rep. Garrison

The bill relating to Biomedical Research, conforms law to the General Appropriations Act (GAA) for Fiscal Year 2023-2024. The bill:

- Expands those cancer centers eligible for funding pursuant to the Casey DeSantis Cancer Research Program (DeSantis program) to include cancer centers designated by the National Cancer Institute as a comprehensive cancer center with at least one geographic site in Florida.
- Adds qualified uses to cancer research funding.
- Exempts $37,771,257 from the annual allocation fraction calculation for participating cancer centers in the DeSantis program and distributes those funds to participating cancer centers using the proportion as determined by the calculation.
- Eliminates authorization for the endowed research chair contained within the Bankhead-Coley Cancer Research Program.
- Expands eligible programs for funding from the Biomedical Research Trust Fund to include "other cancer research initiatives as appropriated by the Legislature."
- Adds breast cancer to the list of cancers to be included in the Department of Health's tri-annual mortality rate and cancer research analysis report.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 111-0

Appropriations Committee on Education

CS/SB 7026 — Higher Education Finances

by Appropriations Committee and Appropriations Committee on Education

The bill (Chapter 2023-95, L.O.F.) provides additional flexibility for state universities and colleges relating to operations and the use of funds. Specifically, the bill:

- Removes restrictions from these institutions regarding certain uses of carry forward fund balances, including caps on maintenance and remodeling projects and the requirement that funds only be used for nonrecurring operating expenditures;
- Removes cost and gross square feet size maximums that universities must follow for replacement of minor facilities when using Public Education Capital Outlay (PECO) funds; and
- Removes the requirement that universities comply with certain procurement processes and authorizes the Board of Governors to establish procedures and regulations for universities to follow. Such regulations must be developed no later than October 1, 2023.

The bill revises the limitations on annual compensation for state universities and colleges by providing that employees of these institutions may not receive more than $250,000 annually from public funds.

Lastly, the bill provides additional authority for state universities and colleges to waive certain fees. Specifically, the bill adds a new fee waiver allowing a state university or college to waive the out-of-state fee for a student who is an intercollegiate athlete receiving an athletic scholarship. In addition, the bill adds colleges to existing fee waiver authority for state universities that will allow colleges to waive any application, tuition, or related fees for persons who supervise student interns and for persons 60 years of age or older who are residents of Florida and attend classes for credit.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 37-0; House 109-0

Appropriations Committee on Health and Human Services

SB 7030 — Trust Funds/State Opioid Settlement Trust Fund/Department of Children and Families

by Appropriations Committee on Health and Human Services

The bill relating to Trust Fund/State Opioid Settlement Trust Fund/Department of Children and Families, amends s. 20.195, F.S., establishing the Opioid Settlement Trust Fund within the Department of Children and Families. The purpose of the trust fund is to abate the opioid epidemic in accordance with the settlement agreements reached by the state in opioid-related litigation or bankruptcy proceedings. The trust fund will receive funds as provided in the General Appropriations Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Appropriations Committee on Health and Human Services

HB 7061 — Sheriffs Providing Child Protective Investigative Services

by Health and Human Services Committee and Rep. Koster (SB 7056 by Appropriations Committee on Health and Human Services)

The bill related to Sheriffs Providing Child Protective Investigative Services, requires the transfer of child protective investigation services from the seven sheriff's offices that provide those services back to the Department of Children and Families (DCF). Currently, the DCF contracts with Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton counties to conduct child protective investigations for their respective counties. Ultimately, this transfer will make the DCF the sole entity performing child protective investigations in the State.

The bill specifies the timeframe and framework for the transfer, including sheriff employees' ability to transition to the DCF, the transfer of records, assets and finances, use of facilities, and a final grant accounting. The bill makes conforming changes to the statutes to remove references to sheriff's offices conducting child protective investigations.

The bill provides that all staff in good standing employed by each respective sheriff for the provision of child protective services, employed before the effective date of this legislation, will have the option to transfer their employment to the DCF.

The bill requires that any claim or cause of action brought against a sheriff in relation to child protective investigations before the applicable transfer date must be defended and indemnified in accordance with the provisions of the grant or agreement applicable at the time of the alleged incident. Any claim or cause of action brought after the applicable transfer date must be defended and indemnified by the DCF.

The bill has a significant fiscal impact to state government that is addressed in SB 2500, the General Appropriations Act for Fiscal Year 2023-2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect January 1, 2024, except where otherwise expressly provided.
Vote: Senate 40-0; House 116-0

Committee on Banking and Insurance

CS/CS/HB 3 — Government and Corporate Activism

by State Affairs Committee; Commerce Committee; and Reps. Rommel, Sirois, and others (CS/SB 302 by Banking and Insurance Committee and Senator Grall)

The bill (Chapter 2023-28, L.O.F). addresses the provision of products and services by financial institutions, the investment of certain state and local government funds, the issuance of environmental, social, and governance (ESG) bonds, and procurement of and contracting with vendors by certain state and local entities and educational institutions.

Prohibition against Engaging in Unsafe and Unsound Practices – Financial Institutions, Consumer Finance Lenders, and Money Services Businesses

The bill requires financial institutions such as banks and credit unions, consumer finance lenders, and money services businesses to make decisions about the provision or denial of services based on an analysis of risk factors unique to each customer, and prohibits them from engaging in any "unsafe and unsound practice." The bill specifies that it is an "unsafe or unsound practice" to deny or cancel services to a person, or discriminate against a person in making available such services or in the terms or conditions of such services, on the basis of:

- The person's political opinions, speech, or affiliations.
- Except for such entities that claim a religious purpose in certain circumstances, the person's religious beliefs, exercise, or affiliations.
- Any factor that is not a quantitative, impartial, and risk-based standard.
- The use of any rating, scoring, analysis, tabulation, or action that considers a "social credit score" based on factors, including, but not limited to:
  - The person's political opinions, speech, or affiliations.
  - The person's religious beliefs, religious exercise, or religious affiliations.
  - The person's lawful ownership of a firearm.
  - The person's engagement in the lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.
  - The person's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.
  - The person's support of the state or federal government in combatting illegal immigration, drug trafficking, or human trafficking.
  - The person's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described by the aforementioned factors.
  - The person's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such person is in compliance with applicable state or federal law:
    - Environmental standards including emissions standards, benchmarks, requirements, or disclosures.
    - Social governance standards, benchmarks, or requirements, including (but not limited to) environmental and social justice.

- Corporate board or company employment composition standards, benchmarks, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992.
- Policies or procedures requiring or encouraging employee participation in social justice programing, including but not limited to diversity, equity, and inclusion training.

Financial institutions, consumer finance lenders, and money services businesses regulated by the Office of Financial Regulation (OFR) must annually attest that their practices comply with the applicable requirements and limitations created by the bill. Failure to timely file the attestation is deemed a knowing and willful violation of the law.

Financial institutions, consumer finance lenders, and money services businesses are subject to the following penalties and sanctions:

- Those the OFR may impose under chs. 655, 516, and 560, F.S., respectively.
- Enforcement actions identified in part II of chapter 501, F.S., the Florida Deceptive and Unfair Trade Practices Act, including civil actions brought by the Attorney General and criminal prosecution by a state attorney in the appropriate judicial circuit. Civil actions may include an injunction, an action seeking damages, or a civil penalty up to $10,000 per violation.

The bill prohibits the OFR and the Financial Services Commission from waiving state laws in relation to unsafe and unsound business practices by state-licensed financial institutions, regardless of whether a federally chartered or regulated financial institution may engage in such unsafe and unsound practices.

Prohibition against Engaging in Unsafe and Unsound – Practice Qualified Public Depositories

The bill requires qualified public depositories (QPD) must comply with the requirements to provide services based on the risk factors unique to each customer and refrain from engaging in "unsound and unsafe practices." Beginning July 1, 2023, banks and savings associations must certify compliance with this requirement when filing an application to be designated or re-designated as a qualified public depository QPD.

The bill provides that failure to file the required attestation is grounds for suspension or disqualification of a QPD. The bill also gives the Chief Financial Officer (CFO) authority to verify a QPD's attestation and impose penalties if it fails to timely file the attestation. The CFO can impose an administrative penalty, issue a cease and desist order to require compliance with the law, and suspend or revoke a QPD's qualification. The bill provides that if the CFO determines an affidavit is materially false, the CFO must report the finding to the Attorney General, who may bring a civil or administrative action against the QPD, and recover attorney fees and costs if the enforcement action is successful. The bill does not give the CFO "visitorial

powers" to inspect, examine, supervise, or regulate the affairs of federally-chartered banks or savings associations. Only the federal regulator has visitorial powers.

Government Investments to be Based Solely on Pecuniary Factors

The bill codifies and expands the program adopted by the State Board of Administration (SBA) in 2022 that requires, with limited exceptions, investments of certain state and local funds to be based solely on pecuniary factors. The term "pecuniary factor" is defined as a factor that is expected "to have a material effect on the risk or return of an investment based on appropriate investment horizons consistent with applicable investment objectives and funding policy. The term does not include the consideration of the furtherance of any social, political, or ideological interests."

The expansion applies to all funds of state Treasury, all local government retirement plans, investments of local government surplus funds, and investment of funds raised by citizen support or direct-support organizations. The bill prohibits the person or entity responsible for making investment decisions from subordinating the interests of the beneficiaries to other objectives, and requires the weight given to any pecuniary factor to appropriately reflect a prudent assessment of its impact on risk or returns. Investment policies are required to be updated to incorporate these requirements. Investment restrictions do not apply to individual member-directed investment accounts established as part of a defined contribution plan.

The bill requires state and local retirement systems to report compliance with the law on a biennial basis, beginning December 15, 2023. Local government retirement plans must report to the Department of Management Services (DMS); the SBA, on behalf of the Florida Retirement System, must report to the Governor, the Attorney General, the CFO, and the Legislature. Reports must describe governance policies and standards for the exercise of shareholder rights. DMS is directed to report incidents of noncompliance to the Attorney General, who may seek an injunction against any agency violating the reporting provisions and recover attorney fees and costs when an enforcement action is successful.

Investment managers who invest public funds on behalf of state and local government entities must include a specified disclaimer in certain external communications that discuss social, political, or ideological interests that such communication does not reflect the views or opinions of the people of the State of Florida. On or after July 1, 2023, contracts with investment managers may be unilaterally terminated for failure to provide such disclaimer.

The bill requires investment managers and investment advisors to annually certify compliance with the fiduciary standards set forth in the state's investment policy. Failure to timely file the certification is grounds for terminating any contract with the investment advisor or manager. Submission of a materially false certification, would be subject to sanction if they fail to timely file the required certification or if they submit a certification that is materially false. If an investment manager or advisor who does not comply with the state's fiduciary standards, the SBA must report such noncompliance to the Attorney General, who may bring a civil or

administrative action against such persons and recover attorney fees and costs when an enforcement action is successful.

Bond Financing – Prohibition against ESG Bonds

The bill provides that bond issuers are prohibited from issuing any ESG bond. An ESG bond is defined as any bond that has been designated or labeled as a bond that will be used to finance a project with an ESG purpose, including, but not limited to, green bonds, Certified Climate Bonds, GreenStar designated bonds, and other environmental bonds marketed as promoting a generalized or global environmental objective; social bonds marketed as promoting a social objective; and sustainability bonds and sustainable development goal bonds marketed as promoting both environmental and social objectives. It includes bonds self-designated by the issuer as ESG-labeled bonds and those designated as ESG-labeled bonds by a third-party verifier.

The bill also prohibits paying for a third-party verifier that certifies or verifies that a bond may be designated or labeled as an ESG bond, renders opinions or produces a report on ESG compliance, among other ESG-related services. Issuers are also prohibited from contracting with a rating agency whose ESG scores for the issuer will have a direct, negative impact on the issuer's bond ratings.

The bill provides that notwithstanding the provisions prohibiting unsafe and unsound practices by financial institutions in,s. 655.0323, F.S., a financial institution may purchase and underwrite bonds issued by a governmental entity.

The bill expressly applies to bonds issued and agreements made and contracts executed on or after July 1, 2023.

Procurement and Contracting with Vendors – No Preference Based on Vendor's Social, Political, or Ideological Interests

Beginning July 1, 2023, certain state and local government entities, and educational institutions, are prohibited from giving preference to a vendor based on the vendor's social, political, or ideological interests when procuring or contracting with them. Such entities may not request documentation relating to a vendor's social, political, or ideological interests, and any solicitation for purchases or leases must notify vendors of these provisions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 28-12; House 80-31

Committee on Banking and Insurance

CS/SB 180 — Regulation of Securities

by Banking and Insurance Committee and Senator Gruters

The bill revises provisions of ch. 517, F.S., the Florida Securities and Investor Protection Act (Act), which regulates securities transactions. The Office of Financial Regulation (OFR) regulates and registers the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals associated with these firms.

Many provisions of the Act are outdated or do not incorporate recent model acts or federal rule changes. The bill provides many technical, clarifying, and conforming changes to update the Act. These changes include provisions that are designed to promote capital formation for small businesses and provide more investment opportunities for investors. The bill provides the following changes:

- Decreases the $1,000 filing fee to $200 for offerings that do not exceed the maximum amount provided in s. 3(b) of the Securities Act of 1933 (Act of 1933). The maximum amount currently provided in s. 3(b) of the Act of 1933 is five million dollars.
- Eliminates the requirement for an issuer to register and disclose all material facts regarding the issuer with the OFR. Creates continuing education requirements applicable to representatives or associated persons of state-registered and federal covered investment advisers based on a North American Securities Administrators Association (NASAA) model rule. The representative or associated person must complete 12 hours of specified continuing education credits.
- Creates a registration exemption for investment advisers to private funds based on a NASAA model rule. The bill exempts from registration with the OFR a private fund adviser who acts solely as an adviser to one or more qualifying funds, such as a private equity fund or a venture capital fund, if the private fund adviser:
  - Is not subject to a disqualifying event, such as a fraud conviction or regulatory enforcement action relating to the sale or purchase of any security;
  - Files with the OFR an annual report, including updating amendments, about their business activity, financial data about managed funds, control persons, and disciplinary actions; and
  - Provides disclosures to investors about services, duties, rights, and responsibilities, and meets other specified conditions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Banking and Insurance

CS/SB 214 — Sales of Firearms and Ammunition

by Commerce and Tourism Committee and Senator Burgess

The bill (Chapter 2023-79, L.O.F.) revises Florida gun registry laws to prohibit certain entities from using an identifying code for purchases from firearm or ammunition retailers. The bill:

- Makes Legislative findings with respect to maintaining records or tracking firearms and ammunition purchases by nongovernmental entities, specifying that such records and tracking may frustrate the right to keep and bear arms and violates the reasonable privacy rights of lawful purchasers of firearms or ammunition.
- Prohibits payment settlement entities, merchant acquiring entities, third party settlement organizations, or entities involved in facilitating or processing a payment card transaction from classifying or assigning merchants with a merchant category code ("MCC") that identifies them as sellers of firearms or ammunition.
- Authorizes a firearm or ammunition merchant to be assigned or use an MCC for general merchandise or sporting goods retailers.
- Provides that any agreement or contractual clause that is not in compliance with the prohibition against classifying a merchant as a firearms or ammunition retailer or a similar classification, or requiring a merchant to use such a classification, is void and in violation of the public policy of Florida.
- Amends the penalties provisions of the Florida gun registry laws to only apply to the law prohibiting any person, public or private, from keeping a registry of privately owned firearms, and not to the new provisions relating to MCCs established under the bill.
- Excludes the new provisions relating to MCCs for firearms or ammunition retailers from the provision under current law that provides that the state attorney in the appropriate jurisdiction is responsible for investigating violations.
- Authorizes the Department of Agriculture and Consumer Services to conduct investigations of alleged violations of the new provisions on MCCs, and to bring an administrative action seeking to impose penalties for such violations.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 27-11; House 83-32

Committee on Banking and Insurance

CS/SB 286 — Legal Instruments

by Banking and Insurance Committee and Senator Powell

The bill amends laws relating to various legal instruments.

The bill defines the term "witness" in the statute authorizing electronic signatures, specifying that the term means a person whose electronic signature is affixed to an electronic record to attest or subscribe to a principal's signature.

Regarding statutes governing foreclosures on mortgages and liens, the bill:

- Expands the scope of existing law on the finality of a clerk's deed following foreclosure sale to apply to any form of lien. Currently, only foreclosure of a mortgage is governed by the statute on finality of a clerk's deed.
- Requires the foreclosure court to award attorney fees to a senior lienholder when a junior lienholder wrongfully tries to foreclose a senior lien. The bill also reaffirms the common law rule that a superior lien may not be foreclosed by a junior lienholder.
- Expands application of an assignment of rents to apply to a successor landowner and adds that regular association fees (e.g. homeowner association, condominium or co-op) may be paid from the rent collected. An assignment of rents (if authorized by the mortgage terms) is a temporary relief allowing a foreclosing lienholder to collect rents from the property during the pendency of the foreclosure case and use those rents for upkeep of the property.
- Expands application of an order to show cause procedure in foreclosure law to allow use of the procedure when a successor landowner is being foreclosed. The current order to show cause procedure compels the defendant to either resume making regular payments or vacate the premises, but is only applicable when the mortgagor still holds title to the property.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 119-0

Committee on Banking and Insurance

CS/CS/SB 312 — Insurance

by Rules Committee; Banking and Insurance Committee; and Senator Collins

The bill reduces the number of hours of prelicensure coursework a life insurance agent applicant must complete in life insurance, annuities, and variable contracts – from 40 hours to 30 hours.

The bill also authorizes a life or health insurer, or a life or health agent of the life or health insurer, to offer or provide value-added products or services at no or reduced cost when such products or services are not specified in the insurance policy. Such products or services must relate to the insurance coverage and be primarily designed to do one or more of the following:

- Provide loss mitigation or control.
- Reduce claim or claim settlement costs.
- Provide education about liability risks or risk of loss to people or property.
- Monitor or assess risk, identify sources of risk, or develop strategies to eliminate or reduce risk.
- Enhance health.
- Enhance financial wellness through items such as education or financial planning services.
- Provide post-loss services.
- Incentivize behavioral changes to improve the health, or reduce the risk of death or disability.
- Assist in the administration of employee or retiree benefit insurance coverage.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Banking and Insurance

CS/CS/HB 331— Liens and Bonds

by Regulatory Reform and Economic Development Subcommittee; Civil Justice Subcommittee; and Rep. Overdorf (CS/CS/SB 624 by Rules Committee; Judiciary Committee; and Senators Grall and Perry)

The bill revises several provisions of the Construction Lien Law, which is codified in ch. 713, part I, F.S.

Notice of Termination

Presently, an owner may record a notice of termination after:

- Completion of the construction project; or
- Work stops on the project and every person who worked on the property has been paid.

Such notice is effective 30 days after the notice of termination is recorded or on the termination date stated in the notice, whichever is later.

The bill provides that, prior to recording a notice of termination, a copy of the notice must be served on each lienor in privity with the owner and on each person who timely served a notice to owner before the recording of the notice of termination. Under the bill, if it is thus served, such notice terminates the notice of commencement 30 days after it is recorded. However, the bill also requires an owner to serve a copy of the notice of termination on any lienor who began work under a notice of commencement before its termination, lacks a direct contract with the owner, and timely serves a notice to owner after the notice of termination is recorded. Under the bill, the notice of termination is effective as to such lienors 30 days after service.

Service Requirements

The bill provides that documents required by the Construction Lien Law must be served by:

- Actual delivery to the person being served; if a partnership, to one partner; if a corporation, to an officer, director, managing agent, or business agent; or if a limited liability company, to a member or manager;
- Common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, to the person being served with postage or shipping paid by the sender and with evidence of delivery; or
- Posting on the construction site if service cannot be performed by the other two methods.

Other Issues

The bill:

- Modifies the notice of commencement, notice of termination, and notice of nonpayment forms.

- Allows licensed general or building contractors providing construction or program management services to claim construction liens for such services.
- Authorizes a person intending to make a claim against a payment bond to serve the surety with a copy of the notice of nonpayment, instead of an original document.
- Provides that the methods specified for discharging a lien may also be used to release a lien, in whole or in part. The bill also specifies that, if a satisfaction or release of lien is filed with the clerk's office, the satisfaction or release must include the lienor's notarized signature and the official reference number and recording date affixed by the recording office on the subject lien.
- Increases the amount of the bond required to be deposited or filed with the clerk's office to transfer a lien to a security. Specifically, the bill changes the amount required to the amount demanded in the lien, plus interest at the legal rate for three years, plus $5,000 (increased from $1,000) or 25 percent of the amount demanded in the lien, whichever is greater.
- Entitles the prevailing party in an action to enforce a lien transferred to a security to recover reasonable attorney fees.
- Specifies that after a clerk's office records a notice of contest of claim against a payment bond or a notice of contest of lien and a certificate of service for such notice, the clerk must serve a copy of the recorded notice on the lienor and on the owner or the owner's attorney.
- Authorizes a building permit applicant to provide the issuing authority with the clerk's office official records identifying information in lieu of a certified copy of the notice or a notarized statement of filing.
- Provides that, in computing any time period relating to the Construction Lien Law, if the last day of the time period is a Saturday, Sunday, legal holiday, or any day observed as a holiday by the clerk's office or designated as such by the chief judge of the circuit, the time period is extended to the end of the next business day. The bill also provides that if a clerk's office is closed in response to an emergency, the time period for recording a document or filing an action is tolled by the number of days the clerk's office was closed.
- Repeals s. 713.25, F.S., an outdated provision relating to the applicability of ch. 65-456, L.O.F. Section 713.25, F.S., provides that the changes to the Construction Lien Law made by the Legislature in 1965 were not applicable "to any act required to be done within a time period which is running on that date nor shall apply to existing projects where its operation would impair vested rights."
- Modifies the definition of "clerk's office" to include "or another office serving as the county recorder as provided by law, in which the real property is located."
- Defines "finance charge" to mean "a contractually specified additional amount to be paid by the obligor on any balance that remains unpaid by the due date set forth in the credit agreement or other contract."

The bill does not appear to have a fiscal impact on state government, but may increase expenditures for Clerks of the Circuit Court. The bill provides that the Clerks may charge fees as authorized by law for these services, so any increase in expenditures should be offset by these fees.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Banking and Insurance

CS/CS/CS/SB 418 — Insurance

by Rules Committee; Military and Veteran Affairs, Space, and Domestic Security Committee; Banking and Insurance Committee; and Senator Perry

The bill amends several insurance-related statutes. Specifically, the bill:

- Revises insurance requirements for a livery (boat rental business) providing it may either:
  - Obtain a policy that insures the renter in the same manner and amounts of the policy obtained by the livery and provide to each renter the insurer's information; or
  - Present the renter with the opportunity to purchase coverage against any loss. If a renter chooses not to purchase the coverage, the livery must obtain a signed acknowledgement from the renter.
- Provides that for any local governmental entity that is a member of a group self-insurer, only an elected official of the local governmental entity may be the local government's representative on the group self-insurer's governing body.
- Provides that a residential property insurer's rate filing may estimate projected hurricane losses by using a weighted or straight average of two or more models approved by the Florida Commission on Hurricane Loss Projection Methodology.
- Provides that the Executive Director of the Citizens Property Insurance Corporation and the Director of the Division of Emergency Management, respectively, may appoint a designee to be a member of the Commission on Hurricane Loss Projection Methodology.
- Provides that an insurer may file a personal lines residential property insurance rating plan that provides premium discounts, credits, and other rate differentials based on windstorm construction standards developed by an independent, nonprofit scientific research organization.
- Limits the requirement that an insurer provide a policyholder who has an automatic bank withdrawal agreement with the insurer with 10 days advance written notice of any increase in policy premiums. Instead, notice will only be required for premium increases that result in an increase of more than $10 in the automatic withdrawal.
- Expands the types of documents and policies that may be delivered to a policyholder by electronic transmission to include individual and group health insurance policies, health maintenance contracts or certificates of coverage, and prepaid limited health service contracts.
- Revises the mandated deductibles that must be offered for hurricane loss when issuing a personal lines residential property insurance policy. For policies with a dwelling limit of:
  - $250,000 or more, but less than $1 million, the insurer need not offer the $500 hurricane deductible;
  - $1 million or more, but less than $3 million, the insurer may, in lieu of offering the 2 percent deductible, offer a deductible amount applicable to hurricane losses equal to 3 percent of the policy dwelling limits; and
  - $3 million or more, the insurer need not offer the 2 percent deductible.
- Revises the requirement that the waiver by a policyholder of residential windstorm coverage or contents coverage be in the policyholder's own handwriting by also allowing the waiver to be typed.

- Eliminates the requirement that a notice be stamped on the declarations page of limited coverage automobile policies. Such policies generally cover antique motor vehicles.
- Provides that a motor vehicle service agreement company that maintains a contractual liability insurance policy in lieu of maintaining unearned premium reserve may have a policy that either pays 100 percent of claims as they are incurred or 100 percent of claims in the event of the failure of the service agreement company to pay claims when due.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 110-0

Committee on Banking and Insurance

CS/CS/HB 487 — Department of Financial Services

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Salzman (CS/CS/CS/SB 1158 by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; Banking and Insurance Committee; and Senator DiCeglie)

The bill revises provisions of multiple programs within the Department of Financial Services (DFS).

Investigations and Prosecutions

The bill amends provisions regarding investigations and prosecutions within the regulatory authority of the DFS to clarify and expand the powers and duties of the Division of Investigative and Forensic Services (DIFS) relating to investigations including the authority to initiate investigations if it has reason to believe any criminal law of Florida or the United States has or may have been violated. The bill allows the DFS to initiate, not just conduct, investigations under the jurisdiction of the Chief Financial Officer (CFO), including the CFO's role as State Fire Marshal. This section also expands DIFS authority to refer suspected criminal violations for prosecution to include criminal violation of federal law, in addition to state law criminal violations.

Anti-Fraud Reward Program

The bill adds violations for which the DFS may pay up to $25,000 in reward under the Anti-Fraud Reward Program. The list of investigable insurance fraud violations under the Anti-Fraud Reward Program is expanded to include, but is not limited to, nursing home and related health care facilities noncompliance; forgery and counterfeiting public records; racketeering and illegal debts; burning to defraud an insurer; theft, robbery and related crimes; false and fraudulent insurance claims; patient brokering; criminal use of personal identification; and money laundering.

The bill removes the requirement for a conviction in order for the person providing information leading to an arrest of a person committing crimes to receive a reward under the Anti-Fraud Reward Program.

Deferred Compensation

The bill adds the State College System to the State Deferred Compensation Program.

Workers' Compensation

The bill revises provisions relating to the Workers' Compensation Three Member Panel, which adopts manuals governing maximum reimbursement of medical providers under the workers' compensation system, by eliminating the physician reimbursement manual and instead directing

the DFS to annually publish the physician and nonhospital maximum reimbursement allowances. The bill also ratifies three DFS rules relating to the Florida Workers' Compensation Law. Those rules are titled "Florida Workers' Compensation Health Care Provider Reimbursement Manual," "Health Care Provider Medical Billing and Reporting Responsibilities," and "Insurer Authorization and Medical Bill Review Responsibilities."

Health Care Ministries

The bill provides that a nonprofit religious organization may not market or sell health plans through agents licensed by the DFS.

Funerals and Cemeteries

The bill revises definitions relating to the regulation of funeral, cemetery, and consumer services. The bill defines "preneed" to mean any arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of a contract beneficiary. The term excludes a transportation protection agreement and any payments received on a transportation protection agreement. The bill also defines "transportation protection agreement" to mean an agreement that exclusively provides or arranges for services related to the preparation for the purpose of transportation and subsequent transportation of human remains or cremated remains. The bill expressly states the Florida Insurance Code, as defined in s. 624.01, F.S., does not apply to any transportation protection agreement sold by any licensee under this chapter.

Division of Insurance Agents and Agencies

The bill makes the following changes regarding licensure of agents and agencies:

- Deletes the application filing and license fee for reinsurance intermediaries.
- Deletes the authority of designated examination centers to take fingerprints of applicants for a license as an agent, customer representative, adjuster, service representative, or reinsurance intermediary.
- Provides an insurance agency closure notice requirement provision does not apply to title insurance, life insurance, or annuity contracts.
- Authorizes the DFS to adopt rules establishing specific penalties against licensees for violations of:
  - Section 626.112(7) or (9), F.S., regarding trade names of insurance agencies and adjusting firms;
  - Section 626.6115, F.S., regarding compulsory refusal, suspension or revocation of insurance agency licensure;
  - Section 626.6215, F.S., regarding discretional refusal, suspension, or revocation of insurance agency licensure;
  - Section 626.7451, F.S., regarding managing general agent contract provisions;
  - Section 626.8695, F.S., regarding designation of primary adjusters at each business location;

  - Section 626.8697, F.S., regarding mandatory refusal, suspension, or revocation of an adjusting firm license; and
  - Section 626.8698, F.S., regarding disciplinary guidelines for public adjusters and public adjuster apprentices.
- Provides any course related to commercial and residential property coverages, claim adjusting practices, and any other adjuster elective courses approved by the DFS, qualify as elective continuing education for certain insurance representatives.
- Deletes requirements prohibiting limited lines agents from holding a license as an agent for any other or additional kind or class of insurance coverage and creates a limited license for preneed funeral agreement insurance coverage.
- Adds having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business as grounds for compulsory disciplinary actions taken by the DFS against insurance representatives.
- Adds having had the cancellation of the applicant's, licensee's, or appointee's resident license in a state other than Florida as grounds for discretionary disciplinary actions taken by the DFS against insurance representatives.
- Provides that, contingent upon the provision in CS/CS/CS/SB 418 in the 2023 Regular Session authorizing boat liveries to provide insurance becoming law, that licensed insurance agents must be involved when offering the renter the opportunity to obtain insurance.
- Revises the definitions of the terms "producer" and "reinsurance intermediary manager" in order to change the Reinsurance Intermediary Manager and Reinsurance Intermediary Broker licenses to an appointment.
- Revises the role of reinsurance intermediaries to an appointment instead of a license.
- Requires the DFS to suspend the insurer's or employer's ability to appoint licensees if the insurer fails to pay the exchange of business fee within 21 days after notice by the DFS.
- Authorizes a funeral director, a direct disposer, or an employee of a funeral establishment that holds a preneed license to obtain a limited license to sell only policies of life insurance covering the expense of a prearrangement for funeral services or merchandise.
- Requires the DFS to suspend the authority of an insurer or employer to appoint licensees if the insurer or employer does not pay the fees and taxes due within 21 days after notice by the DFS.

Title Insurance Agents and Agencies

The bill makes the following revisions related to title insurance agents and agencies:

- Provides the notice requirements relating to notifying policyholders of the agency closure, do not apply to title insurance agents or title insurance agencies.
- Adds grounds for compulsory disciplinary actions taken by the DFS against a title insurance agent or agency to include misappropriation, conversion, or improper withholding of funds received in a fiduciary capacity and held as part of an escrow agreement, real estate sales contract, or as provided on a settlement statement in a real estate transaction and revocation or cancellation of a licensee's resident license in a jurisdiction other Florida.

- Adds grounds for discretionary disciplinary actions taken by the DFS against a title insurance agent or agency for having been the subject of a violation of any federal or state securities or commodities law or having a licensee's resident license in a jurisdiction other than Florida revoked or cancelled.
- Transfers the duties as an escrow agent from the title agent to the title agency.

Adjusters

The bill makes the following revisions related to insurance adjusters:

- Makes clear that the exemption to the prohibition of taking a thing of value for certain prohibited acts applies to a licensed "and appointed" public insurance adjuster. Section 626.112, F.S., requires each insurance adjuster to be currently licensed by the department and appointed by a licensed adjuster firm.
- Provides a catastrophe or emergency adjuster must adjust claims, losses, or damages under policies or contracts of insurance issued by an authorized insurer or by a licensed independent adjusting firm contracted with an authorized insurer.

Board Member Requirements

The bill establishes guidelines for board member requirements where the CFO has sole appointment authority, making such board members subject to specified provisions of the Code of Ethics under ch. 112, F.S. The board composition of the Florida Insurance Guaranty Association is revised to require three representatives from domestic insurers selected by the CFO. The bill authorizes the CFO to remove board members of the following entities for misconduct, malfeasance, misfeasance, or neglect of duty:

- The Florida Self-Insurers Guaranty Association.
- The Medical Malpractice Joint Underwriting Association.
- The Florida Insurance Guaranty Association.
- The Florida Life and Healthy Guaranty Association.
- The Florida Health Maintenance Organization Consumer Assistance Plan.
- The Florida Workers' Compensation Insurance Guaranty Association.

Mediation Programs

The bill revises various insurance-related mediation programs administered by the DFS.

The bill specifies that a property insurance claim is eligible for the DFS property insurance mediation once the insurer makes a claim decision pursuant to the 60-day prompt payment requirements of s. 627.70131, F.S., or elects to re-inspect the property as allowed for under the notice of intent to litigate a property insurance claim requirements of s. 627.70152, F.S., and specifies that the DFS may suspend an insurer's ability to appoint agents if the insurer fails to pay fees related to rescheduled mediation conferences.

The bill authorizes the DFS to contract with a third-party to administer the sinkhole neutral evaluation program.

The bill requires that insurers pay for mediation of motor vehicle mediation claims. If a policyholder fails to appear at mediation, the policyholder is responsible to pay for a rescheduled mediation conference. If the insurer fails to appear, the insurer must pay the policyholder's expenses for attending the conference, pay the mediator an additional fee to reschedule the conference, and a charge to the DFS related to expenses for rescheduling.

Insurer Insolvency – Rehabilitation and Liquidation

The bill authorizes the DFS, in receivership proceedings, to use the property of the estate of the insolvent insurer to transfer the insurer's book of business to a solvent assuming insurer or insurers and to share records of the insolvent insurer with the prospective assuming insurer. The bill also provides that policies of the insolvent insurer do not have to be cancelled if there is a carrier willing to take on policies of an insolvent company.

State Fire Marshal Direct Support Organization

The bill creates a direct support organization (DSO) for the State Fire Marshal to be known as the "State Fire Marshal Safety and Training Force," whose purpose is to support the safety and training of firefighters and to recognize exemplary service. The bill provides the DSO must be a non-for-profit corporation incorporated under ch. 617, F.S., and approved by the Department of State; be organized to raise funds; request and receive grants; gifts and bequests of money; conduct program and activities; acquire, receive, hold, invest and administer, in its own name, securities, funds or property; and make grants and expenditures to or for the direct or indirect benefit of the division. The bill provides funds may include the cost of education and training of firefighters, or the recognition of exemplary service of firefighters. Under the bill, the DSO must operate under a written contract with the Division of State Fire Marshal (division). The bill provides for a board of directors; provides requirements for the use of property, annual budgets and reports, an annual audit, and the division's receipt of proceeds; and authorizes moneys received to be held in a depository account. The bill provides a repeal date of October 1, 2028.

Warranty Associations

The bill makes the following revisions regarding warranty associations:

- Adds grounds for compulsory disciplinary actions against motor vehicle service agreement salespersons and provides for the immediate temporary suspension of a license if the licensee is charged with certain felonies; and authorizes the DFS to adopt rules.
- Adds an additional discretionary ground for refusal, suspension, or revocation of a license or appointment of a motor vehicle service agreement salesperson for failure to report the final disposition of an action taken against the salesperson by a regulatory agency relating to the business of insurance, the sale of securities, or an activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty.

- Adds grounds for discretionary disciplinary actions taken against a home warranty association sales representative for having been the subject of a violation of any federal or state securities or commodities law; provides for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.
- Adds grounds for discretionary disciplinary actions against a home warranty association sales representative; requires a sales representative to report any action taken against the sales representative relating to the business of insurance; and authorizes the DFS to adopt rules.
- Provides that specified home solicitation sale requirements, ss. 501.021-501.055, F.S., do not apply to persons or entities licensed and appointed, or their affiliates, which solicit the sale of a service warranty or related service or product in connection with a prearranged appointment at the request of the consumer.
- Revises grounds for compulsory disciplinary actions by the DFS against service warranty association sales representatives; requires the DFS to immediately temporarily suspend a license or appointment under certain circumstances; prohibits a person from transacting insurance business after such suspension; and authorizes the DFS to adopt rules.
- Adds grounds for discretionary disciplinary actions taken against a service warranty association sales representative for having been the subject of a violation of any federal or state securities or commodities law; provides for the immediate temporary suspension of a license if the licensee is charged with certain felonies; and authorizes the DFS to adopt rules.

Bail Bonds

The bill revises provisions relating to bail bond agents and agencies. The bill provides a definition of "appointment"; provides that a "temporary bail bond agent" means a person licensed before January 1, 2024; and provides that a temporary bail bond agent license expires 18 months after issuance and is no longer valid on or after June 30, 2025.

The bill provides that bail bond agencies must be licensed rather than registered. A person may not control or manage a bail bond agency unless the person has been engaged as a bail bond agent for the preceding 24 months. The bill provides application requirements for bail bond agency licenses; a bail bond agency that holds a current valid registration will have its registration automatically converted to a license on July 1, 2024, and provides s. 112.011, F.S., relating to disqualification from licensing and public employment based on criminal conviction, does not apply to bail bond agencies or to applicants for licensure as bail bond agencies.

The bill provides that a bail bond agent may not sell a bail bond issued by an insurer for which the agent and the agent's bail bond agency do not hold a current appointment. The bill prohibits the performance of any of the functions of a bail bond agency without a bail bond agency license.

Florida Disposition of Unclaimed Property Act

The bill provides that statutory requirements relating to recovery agreements and purchase agreements for claims filed by a claimant's representative do not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 112-0

Committee on Banking and Insurance

CS/HB 599 — Debt Management Services

by Commerce Committee and Rep. Garcia and others (CS/SB 628 by Banking and Insurance and Senator Grall)

The bill revises the fee chargeable by a credit counseling agency to a debtor for receiving from the debtor, and subsequently disbursing to a creditor, money or anything of value. The maximum fee will now be up to the lesser of 15 percent of the monthly payment or $75 monthly, rather than the greater of 7.5 percent of the monthly payment or $35 monthly under current law.

The bill will not have a fiscal impact on state and local governments but will have both positive and negative fiscal impacts on the private sector.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Banking and Insurance

CS/HB 607 — Money Services Businesses

by Commerce Committee and Rep. Steele (CS/CS/SB 532 by Rules Committee; Banking and Insurance Committee; and Senator Burton)

The bill revises the definition of a "control person" and defines several terms used in the revised definition to clarify the persons who are subject to fingerprinting for a money services business to become licensed under ch. 560, F.S. The purpose of the bill is to clarify the definition of "control person" to ensure compliance with federal law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Banking and Insurance

CS/CS/HB 721 — Paid Family Leave Insurance

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Chaney and others (CS/SB 670 by Banking and Insurance Committee and Senators Yarborough and Stewart)

The bill specifies standards for transacting paid family leave insurance in Florida. The Office of Insurance Regulation licenses and regulates insurers, health maintenance organizations, and other risk-bearing entities pursuant to the Florida Insurance Code. Currently, life insurers are authorized to transact health insurance, disability income insurance, and excess coverage for health maintenance organizations and multiple-employer welfare arrangements. The bill authorizes life insurers to transact paid family leave insurance as a policy or as a rider to a group disability income policy. Further, the bill specifies circumstances under which paid family leave insurance benefits may be provided; and requires paid family leave insurance policies or riders to include disclosures and coverage requirements, such as benefit periods, waiting periods, benefit amounts, offsets, and the payment of benefits. The bill authorizes the Financial Services Commission to adopt rules to administer this act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 115-0

Committee on Banking and Insurance

HB 793 — Collateral Protection Insurance

by Rep. Fernandez-Barquin and others (SB 410 by Senators Garcia and Hutson)

The bill creates a new statutory chapter part (Part XXII), Collateral Protection Insurance (CPI) to regulate CPI on real property. All CPI policies for mortgaged real property, including manufactured and mobile homes, are subject to Part XXII except for transactions involving extensions of credit primarily for business, commercial, or agricultural purposes; insurance offered by a lender or servicer and elected by the mortgagor at the mortgagor's option; insurance purchased by a lender or servicer on real-estate owned property; and insurance for which no specific charge is made to the mortgagor or mortgagor's account.

Definitions

The bill defines CPI and several related terms. CPI means commercial property insurance under which a creditor is the primary beneficiary and policyholder, and which protects or covers the creditor's interest arising out of a credit transaction secured by the mortgaged real property. CPI is triggered by the mortgagor's failure to maintain insurance coverage required by the mortgage or other lending document. Individual CPI is defined in the bill as coverage for individual real property evidenced by a certificate of coverage under a master CPI policy or a CPI policy for individual real property. A master CPI policy is a group policy issued to a lender or servicer providing coverage for all loans in the lender's or servicer's loan portfolio, as needed.

Collateral Protection Insurance Policies

The bill provides that CPI becomes effective no earlier than the date of lapse of insurance on mortgaged real property. Individual CPI terminates on the earliest of the following dates:

- The effective date of insurance acceptable under the mortgage agreement.
- The date on which the applicable real property no longer serves as collateral for a mortgage loan.
- Such other date specified by the individual policy or certificate of insurance.
- Such other date as specified by the lender or servicers.
- The termination date of the policy.

The bill provides that CPI coverage, and the calculation of the related premium, should be based on the replacement cost value of the real property serving as collateral, as best determined by the last known coverage amount. The last known coverage amount is the dwelling coverage amount specified in the most recent evidence of insurance coverage provided by the mortgagee. The bill requires that an insurer or insurance agent ask the insured, at least once, for the last known coverage amount. If the insurer or insurance agent cannot obtain the last known coverage amount from the insured or by another means, the CPI coverage and the calculation of the related premium may be based on the replacement cost of the real property serving as collateral as calculated by the insurer. If the last known coverage amount is unknown and the replacement cost is unavailable or prohibited by other state or federal law, the CPI coverage and calculation

of premium should be based upon the unpaid principal balance of the mortgage loan. In any event, a mortgagor must not be charged for CPI before the effective date of the CPI or for a term longer than the scheduled term of the CPI.

Prohibited Practices

The bill prohibits the following practices by insurers or insurance agents related to CPI:

- Issuing CPI on mortgaged real property if the insurer or insurance agent or an affiliate of the insurer or insurance agent owns the real property or performs the servicing for, or owns the servicing rights to, the real property.
- Compensating a lender, insurer, investor, or servicer, including through the payment of commissions, on CPI policies issued by the insurer.
- Sharing CPI premium or risk with the lender, investor, or servicer that obtained the CPI.
- Offering contingent commissions, profit-sharing, or other payments dependent on profitability or loss ratios to any person affiliated with a servicer or the insurer in connection with CPI.
- Providing free or below-cost outsourced services to a lender, investor, or servicer and outsourcing its own functions to a lender, investor, or servicer at a rate above cost.
- Making any payments, including, but not limited to, the payment of expenses to a lender, insurer, investor, or servicer to secure CPI business or related outsourced services.

Evidence of Coverage

The bill requires evidence of CPI must be set forth in an individual policy or certificate of insurance, which must be delivered to the mortgagor either by mail, in person, or electronically. The individual policy or certificate of insurance must include specified information identifying the real property insured, information about the CPI policy, and contact information for filing a claim.

Filing, Approval, and Withdrawal of Forms and Rates

The bill provides that, except as otherwise provided in Part XXII, rate and form filing requirements are subject to the Florida Insurance Code. The policy forms and certificates of insurance for CPI, and related premium rates, must be reviewed and approved by the OIR as provided in s. 627.062, F.S. As part of the rate review, the OIR must also evaluate whether expenses included by the insurer in the rates are appropriate. The bill requires insurers to refile CPI insurance rates at least once every four years. All insurers writing CPI must have separate rates for CPI and voluntary insurance obtained by a mortgage servicer on real-estate owned property.

An insurer must include its experience in existing programs in the associated filings upon the introduction of a new CPI program. Part XXII does not limit an insurer's discretion, as actuarially appropriate, to distinguish different terms, conditions, exclusions, eligibility criteria, or other unique or different characteristics. An insurer may also rely on models, where

actuarially acceptable, or in the case of flood filings where applicable experience is not credible, on National Flood Insurance Program data.

By April 1 each year, each insurer with at least $100,000 in direct written premium for CPI in Florida during the prior calendar year must report the following information to the OIR for the prior calendar year:

- Actual loss ratio.
- Earned premiums.
- Any aggregate schedule rating debit or credit to earned premium.
- Itemized expenses.
- Paid losses.
- Loss reserves, including case reserves and reserves for incurred but not reported losses.

The report must be separately produced for each CPI program and presented on both an individual-jurisdiction and countrywide basis. Except for CPI for flood insurance, an insurer experiencing an annual rate loss ratio of less than 35 percent in any collateral protection insurance program for two consecutive years, must submit a rate filing, either adjusting its rates or supporting their continuance, to the office no more than 90 days after the submission of the data required.

Fiscal Impact

The bill does not have a fiscal impact on state or local revenues or local government expenditures. Insofar as a data call is created for the annual report required in Section 10 of the bill, the OIR may experience an increase in expenditures related to the technology need. To the extent the requirements of Part XXII result in lower CPI premiums for mortgagors, the bill may have a positive direct economic impact on the private sector.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 35-0; House 105-0

Committee on Banking and Insurance

CS/CS/CS/HB 799 — Property Insurance

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Griffitts and others (CS/CS/SB 594 by Fiscal Policy Committee; Community Affairs Committee; and Senator Martin)

The bill provides that a property insurer's residential rate filing must allow for appropriate discounts for mitigation measures that reduce the potential for windstorm losses. The bill also adds wind uplift prevention to the list of windstorm mitigation measures undertaken by policyholders to reduce hurricane losses that must be evaluated for purposes of mitigation discounts on residential property insurance rate filings. Wind uplift occurs if the air pressure below the roofing system is higher than the air pressure above the roofing system.

The bill exempts condominium unit owner policies from the requirement that Citizens Property Insurance Corporation (Citizens) personal lines property coverage policyholders must maintain flood insurance. The bill provides technical revisions to provisions requiring Citizens personal lines policyholders to obtain flood insurance coverage to refer to dwelling replacement cost instead of the property value.

The bill provides that the limitation on rate increases normally imposed on Citizens' rates does not apply to policies where coverage for the risk insured by Citizens was last provided by an insurer determined by the Office of Insurance Regulation (OIR) to be unsound or placed into receivership due to impairment or insolvency. The bill provides that the limitation on Citizens' rates for non-primary residences (current law) and policies assumed from unsound insurers (proposed by the bill) applies on a year-over-year basis, rather than based on a fixed date.

The bill authorizes Citizens to adopt policy forms providing for claim disputes to be resolved in a proceeding before the Division of Administrative Hearings (DOAH). All such DOAH proceedings are subject to the award of attorney fees when the opposing party is sanctioned for bringing an unsupported claim or defense and pursuant to the offer of judgment statute, as if filed in the state courts. The bill provides that the applicable Florida Rules of Civil Procedure apply to any offer served pursuant to the offer of judgment statute, except that an offer may not be served earlier than 10 days after filing the request for hearing with the Division of Administrative Hearings and not later than 10 days before the date set for the final hearing.

The bill requires, that if an insurer requires an insured or applicant to have flood coverage when issuing a policy containing wind coverage, the insurer must verify that the insured or applicant has flood coverage. If the insurer fails to verify that the insured or applicant has flood coverage, the insurer may not deny a claim for wind solely because the insured does not have coverage for the peril of flood, unless flood coverage that was verified is not in force at the time of the loss.

The bill provides a $750,000 nonrecurring appropriation from the Insurance Regulatory Trust Fund to the OIR to, in consultation with the Department of Business and Professional Regulation and the Florida Building Commission, conduct a wind-loss mitigation study to evaluate the windstorm loss relativities for construction features, including, but not limited to, wind uplift

prevention, methods and devices to prevent water intrusion through the tracks of sliding glass doors, and those that enhance roof strength; roof covering performance; roof-to-wall strength; wall-to-floor-to-foundation strength; opening protections; and window, door, and skylight strength. The study must include, but need not be limited to, an analysis of developed hurricane loss data for hurricanes since June 1, 2018. The OIR may use a portion of the funds to contract separately with building code experts to implement the bill and adopt rules. The findings of the study must be reported to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Commissioner of Insurance Regulation no later than July 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 32-7; House 87-28

Committee on Banking and Insurance

CS/CS/HB 837— Civil Remedies

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Gregory and Fabricio and others (CS/CS/SB 236 by Fiscal Policy; Banking and Insurance; and Senator Hutson)

The bill (Chapter 2023-15, L.O.F.) makes the following changes to Florida's civil justice system:

- Provides that a contingency fee multiplier for an attorney fee award is appropriate only in a rare and exceptional circumstance, adopting the federal standard.
- Repeals Florida's "one-way" attorney fee provisions for insurance cases under which plaintiffs that obtained a favorable judgment against an insurer were entitled to an award of reasonable attorney fees.
- Maintains the ability to award attorney fees to an owner, contractor, subcontractor, laborer or materialman that prevails in a claim against a construction surety bond.
- Creates a limited ability to recover attorney's fees from an insurance company after a total coverage denial through a declaratory judgment action.
- Reduces the statute of limitations for general negligence cases from four years to two years, while providing protections to servicemembers during terms of active duty which materially affect the servicemember's ability to appear.
- Changes Florida's comparative negligence system from a "pure" comparative negligence system to a "modified" comparative negligence system, whereby a plaintiff who is found to be more that 50 percent at fault for his or her own harm may not recover damages from any defendant. The new comparative negligence standard does not apply to causes of action for personal injury or wrongful death arising out of medical negligence.
- Modifies Florida's "bad faith" framework to:
  - Provide an insurer has no liability for a bad faith involving a liability insurance claim if the insurer tenders the lesser of the policy limits or the amount demanded by the claimant within 90 days after receipt of the claim and sufficient evidence to support the claim.
  - Allow an insurer, if there are multiple claimants in a single action, to limit the insurer's bad faith liability if, within 90 days after receiving notice of competing claim in excess of the policy limits, the insurer pays the total amount of the policy limits to the court through an interpleader action or, through binding arbitration agreed to by all parties, making the entire policy limits available for payment to the competing third-party claimants.
  - Provide that negligence alone is not enough to demonstrate bad faith.
  - Allow the trier of fact in any bad faith action to consider whether the insureds, claimants, and their representatives acted in good faith with respect to furnishing information, making demands, setting deadlines, and attempting to settle the insurance claim. If such parties did not act in good faith toward the insurer, the trier of fact may reasonably reduce the amount of bad faith damages awarded against the insurer.
- Applies the offer of judgment statute to any civil action involving an insurance contract.
- Specifies that certain evidence is admissible to calculate medical damages in personal injury or wrongful death actions. These changes modify the collateral source rule in a

way that allows the parties to present evidence of actual medical costs or evidence that better approximates medical costs that may be incurred by a claimant.

- Requires the trier of fact in a negligent security action against the owner, lessor, operator, or manager of commercial or real property brought by a person lawfully on the property who was injured by the criminal act of a third party, to consider the fault of all persons who contributed to the injury.
- Provides that the owner or principal operator of a multifamily residential property which substantially implements certain security measures on that property is presumed to not be negligent in connection to a criminal act occurring on the premises which are committed by third parties who are not employees or agents of the owner or operator. The bill requires the Florida Crime Prevention Training Institute of the Department of Legal Affairs to develop a proposed curriculum or best practices for such owners or operators.
- Provides that the new two-year statute of limitations for negligence actions applies prospectively to causes of action accruing after the effective date of the bill, that the remainder of the bill applies to causes of action filed after the effective date, and that the bill shall not be construed to impair any right under an existing insurance contract.

These provisions were approved by the Governor and took effect on March 24, 2023.
Vote: Senate 23-15; House 80-31

Committee on Banking and Insurance

CS/HB 881— My Safe Florida Home Program

by Insurance and Banking Subcommittee and Rep. LaMarca and others (CS/CS/SB 748 by Fiscal Policy Committee; Banking and Insurance Committee; and Senator Boyd)

The bill revises provisions relating to the My Safe Florida Home Program (Program). The bill:

- Provides the Program may select as a mitigation inspector a licensed home inspector who has completed certain training.
- Provides an inspection under the Program may only be done on a property for which a homestead exemption has been granted.
- Revises eligibility requirements for mitigation inspections to include townhouses to determine if opening protection mitigation would provide improvements to mitigate hurricane damage.
- Revises eligibility requirements for mitigation grants to include dwellings with an insured value of $700,000 or less (up from $500,000 or less) and for opening protection for townhouses when recommended by a hurricane mitigation inspection.
- Deletes the requirement a property eligible for a mitigation grant must be located in the "wind-borne debris region."
- Increases the amount from $5,000 to $10,000 that low-income homeowners may receive from a grant and not have to provide a matching amount.
- Adds the Citizens Property Insurance Corporation to the list of entities that may receive Program brochures for redistribution.
- Deletes the requirement contracts valued at one million dollars or more entered into by the Program be reviewed and approved by the Legislative Budget Commission.
- Requires the Department of Financial Services (DFS) to develop a quality assurance and reinspection program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 115-0

Committee on Banking and Insurance

CS/CS/HB 897 — Group Health Plans

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Fernandez-Barquin and others (CS/SB 940 by Banking and Insurance Committee and Senators Calatayud and Rodriguez)

The bill clarifies the criteria that employer members of a group or association must meet to constitute a bona fide group or association of employers in order to sponsor a group health plan for their members or employees. Association health plans (AHP) are a type of multiple employer welfare arrangement (MEWA). In Florida, the Office of Insurance Regulation has regulatory oversight of self-insured MEWAs and AHPs.

A 2018 Department of Labor rule on the regulation of association health plans (AHPs), provided another pathway for establishing an AHP in order to expand access to affordable health coverage for small employers and sole proprietors. This rule loosened the requirements for an association to qualify as a "bona-fide association" by allowing the establishment of an AHP for the explicit purpose of providing health coverage, so long as the association has another legitimate purpose for members. Florida subsequently codified the 2018 federal rule defining the term, "bona-fide group." However, the federal rule's definition of a "bona-fide group" was struck down by a federal district court in 2019.

The bill removes references in the Florida Insurance Code to the 2018 federal rule relating to AHPs and bona-fide group eligibility, and instead adopts the requirements to be considered a bona fide group from the stricken rule and thus maintains an expanded pathway for more groups or associations to form MEWAs.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 100-7

Committee on Banking and Insurance

CS/SB 1002— Motor Vehicle Glass

by Rules Committee and Senators Stewart and Hooper

The bill revises definitions under the Florida Motor Vehicle Repair Act to ensure that businesses that calibrate or recalibrate advanced driver assistance systems associated with windshields are regulated under the Act. The bill provides that motor vehicle repair shops, their employees, and their representatives:

- May not offer an inducement to a customer in exchange for making an insurance claim for motor vehicle glass replacement or repair.
- Must provide electronic or written notice to the customer whether calibration or recalibration of the advanced driver assistance system is required to make the system operable and must provide such service in a manner that meets or exceeds the vehicle manufacturer's specifications.

The bill prohibits a policyholder, or any other person, from entering an assignment agreement of post-loss benefits for motor vehicle glass replacement or repair, including for calibration or recalibration of advanced driver assistance systems.

Finally, with regard to a motor vehicle windshield glass claim under comprehensive or combined additional coverage of a personal lines motor vehicle policy, the bill provides that:

- No person may require a claimant to use a particular company for motor vehicle windshield glass replacement, repair, or calibration services.
- An insurer or a person acting on the insurer's behalf may provide an explanation of motor vehicle comprehensive coverage benefits and any applicable limit of liability to a claimant.
- An insurer must provide an actuarially sound discount to the insured if they offer a policy that contains a managed repair arrangement for the provision of windshield glass replacement, repair, or calibration services.
- The foregoing requirements do not create a private cause of action.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 103-16

Committee on Banking and Insurance

CS/CS/HB 1185 — Consumer Protection

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Giallombardo and others (CS/CS/SB 1398 by Appropriations Committee on Agriculture, Environment, and General Government; Banking and Insurance Committee; and Senator DiCeglie)

The bill revises consumer protection laws, including, but not limited to, those related to public adjusters, annuity investments, insurance provisions, and mortgage loan regulations.

Public Adjusters

The bill amends the definition of "public adjuster" to specify that it applies to any person who meets the definition, regardless of how that person describes or presents their services.

Regarding public adjuster compensation, the bill:

- Limits a public adjuster's compensation to no more than one percent of a payment or commitment to pay at least policy limits made within the later of 14 days after the date of loss or 10 days after the public adjusting contract is executed.
- Requires a written contract with the insured for a public adjuster to receive fees for payments to the named insured, and prohibits a public adjuster from receiving compensation based upon a claim payment or written agreement to pay that occurs before the public adjuster contract is executed.
- Provides that a public adjuster may not charge a named insured for fees incurred by a third-party that public adjuster contracted with to assist with the claim settlement unless the public adjuster first obtains the named insured's written consent.

Regarding rescission of contracts for public adjusting services, the bill:

- Allows the insured or claimant to cancel a contract with a public adjuster that was entered into based on events that are the subject of a state of emergency for up to 30 days after the loss or 10 days after the date on which the contract is executed, whichever is longer.
- Specifies an insured may cancel a public adjuster's contract without penalty or obligation if a written estimate is not received within 60 days unless the failure to provide the estimate is caused by factors beyond the control of the public adjuster.

Regarding contracts for public adjusting services, the bill:

- Requires the inclusion of certain contact details and compensation, amends the font type for certain contract provisions and the proof-of-loss statement, and requires initials of the insured to be on each page that does not contain the insured's signature.
- Provides that a public adjuster must provide an unaltered copy of the contract to the insured at execution and to the insurer or insurer's representative within seven days after execution.
- Provides a public adjuster may not receive compensation for services before the date the insured receives an unaltered copy of the executed contract or the date the contract is submitted to the insurer.

- Requires the public adjuster to provide to and obtain a signed separate disclosure statement from the insured with specified information.
- Provides that a public adjuster contract which does not comply with s. 626.8796, F.S., regarding public adjuster contracts, is invalid and unenforceable.
- Provides rulemaking authority to the Department of Financial Services (DFS).

Annuity Investments

As it relates to annuity investments, the bill:

- Amends s. 627.4554, F.S., to adopt, with minimal exceptions, the National Association of Insurance Commissioners (NAIC) Suitability in Annuity Transactions Model Regulation (2020).
- Broadens the scope of the section to apply to any sale or recommendation of an annuity.
- Amends the duties of insurers and agents to require the agent to act in the consumer's best interest which includes satisfying obligations regarding care, disclosure, conflict of interest, and recordkeeping.
- Specifies transactions for which an agent does not have an obligation to a consumer;
- Revises an insurer's obligation to establish a supervision system to provide additional consumer protections.
- Prohibits insurers from dissuading, or attempting to dissuade, a consumer from providing truthful information, filing complaints, or cooperating with a complaint investigation.
- Provides any sale in compliance with comparable standards satisfies the requirements of the section, and provides this provision does not limit an insurer's care obligation.
- Provides for training requirements for agents who engage in the sale of annuities.

Insurance Provisions

As it relates to other insurance provisions, the bill:

- Provides adjusting firms must comply with the same requirements an insurance agency must comply with regarding firm names, and repeals the grace period for using the terms "Medicare" or "Medicaid" that expires on July 1, 2023.
- Requires an independent or public adjuster to post their license in the principal place of business or have it in the public adjuster's actual possession in certain circumstances.
- Specifies independent adjusters and public adjusters must retain certain records for five years and requires such records must be available for inspection by the DFS.
- Provides it is an unfair method of trade for an agent to fail to disclose a third party that receives remuneration for specified marketing practices for a health insurance policy.
- Provides the timeframe during which a residential property insurance hurricane deductible can be applied to a claim begins only upon the issuance of a hurricane warning, but not a hurricane watch, and defines the term "hurricane deductible."
- Reduces the underwriting timeframe on property insurance from 90 days to 60 days.
- Provides Citizens Property Insurance Corporation may cancel policies covering risks that were most recently insured by an insurer in receivership within 90 days or less for

misrepresentation or failure to comply with underwriting requirements established before the effectuation of coverage.

Mortgage Loans

As it relates to mortgage loan regulations, the bill:

- Expands the options of where a mortgage lender may transact business.
- Specifies a remote location must be operated under the full charge, control, and supervision of the licensee.
- Provides when a licensee may allow loan originators to work from a remote location.
- Amends the definition of "branch office" and defines the term "remote location."

Money Services Businesses

As it relates to money services businesses, the bill:

- Specifies a licensee may not cash corporate checks where the aggregate face amount of all corporate checks cashed for each payee exceeds 200 percent of the payee's workers' compensation policy coverage amount during the same policy coverage period.
- Provides a person who violates this provision commits a felony of the third degree.

Crowd-funding Campaigns

As it relates to crowd-funding campaigns, the bill:

- Requires organizers of crowd-funding campaigns related to disasters to take certain steps relating to collecting and retaining certain information, disclosing specified information, cooperating with law enforcement, and displaying and directing donors to certain fundraisers.
- Requires an organizer to attest to the accuracy and completeness of specified information.
- Defines several terms, including "crowd-funding campaign," "crowd-funding platform," "disaster," and "organizer."

Distributed Energy Generation Platforms

As it relates to distributed energy generation platforms, the bill:

- Adds three disclosures related to the sale or lease of a distributed energy generation system which must be separate from the agreement between the seller or lessor and buyer and lessee.
- Requires a sale or lease agreement to include the customer contact center phone number for the Department of Business and Professional Regulation.

Warranty Associations

The bill provides that motor vehicle service agreement companies that maintain a contractual liability insurance policy in lieu of maintaining unearned premium reserve, may have such a

policy that pays 100 percent of claims as they are incurred or upon the failure of the service agreement policy to pay such claims when due.

The bill revises the definition of the term "manufacturer" for purposes of service warranty associations, to apply to an entity or affiliate that maintains a minimum net worth of at least $100 million, rather than $10 million under current law. The definition also eliminates reference to an entity or affiliate that maintains outstanding debt obligations, if any, rated in the top four rating categories by a recognized rating service.

If approved by the Governor, except as otherwise provided, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 113-0

Committee on Banking and Insurance

CS/CS/HB 1267 — Consumer Finance Loans

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Fernandez-Barquin (CS/SB 580 by Banking and Insurance Committee and Senator Gruters)

The bill revises laws governing consumer finance loans, which are loans of $25,000 or less for which a lender charges an interest rate greater than 18 percent per annum. The Florida Consumer Finance Act (Act) in ch. 516, F.S., provides an exemption from Florida's prohibition against usurious contracts, under which any interest rate greater than 18 percent per annum is prohibited.

Licensure

The bill revises the process for obtaining a license to issue consumer finance loans to allow a single licensure application for the principal place of business and all branches. The bill defines a "branch" as any location, other than a licensee's principal place of business, at which a licensee operates or conducts consumer finance loan business or controls for the purpose of conducting consumer finance loan business.

Interest and Delinquency Charges

Current law limits consumer finance loan interest rates to no more than 30 percent per annum, computed on the first $3,000 of the principal amount; 24 percent per annum on that part of the principal amount exceeding $3,000 and up to $4,000; and 18 percent per annum on that part of the principal amount exceeding $4,000 and up to $25,000. The bill removes the tiered schedule for which interest rates may be charged and increases the maximum interest rate to 36 percent per annum for any loan amount up to $25,000. Consequently, the bill removes language related to calculation of two or more interest rates applied to a principal amount.

The bill increases the number of days a payment must be in default before a delinquency charge may be imposed from 10 days in default to 12 days in default.

Disaster Declarations

The bill requires consumer finance lenders, in any county subject to a Federal Emergency Management Agency (FEMA) Presidential Disaster Declaration, to suspend for 90 days after the initial date of such declaration, the following:

- The application of delinquency charges for payments in default.
- Repossessions of collateral pledged to a consumer finance loan.
- The filing of civil actions for the collection of amounts owed under a consumer finance loan.

Reporting

The bill requires consumer finance lenders to provide notice to the Office of Financial Regulation (OFR) of any assistance program offered by the lender to borrowers impacted by a disaster subject to a FEMA Presidential Disaster Declaration, including:

- The licensed locations affected by the disaster declaration.
- The telephone number, e-mail address, or other contact information for the licensee.
- A brief description of the assistance program available to borrowers in the affected areas.
- The start date and end date, if known, of the program.

The bill also requires consumer finance lenders to annually report information to the OFR detailing loans issued by the lender during the previous calendar year, including:

- The number of locations held by the licensee as of December 31.
- The number of loan originations by the licensee under all licenses.
- The total dollar amount of loans and the number of loans outstanding by the licensee as of December 31.
- The total number of loans in which the licensee holds a security interest in collateral as of December 31.
- The total number of unsecured loans as of December 31.
- The total number of loans, separated by principal amount, in specified ranges as of December 31.
- The total number and amount of loans charged off as of December 31.
- The total dollar amount of loans and the number of loans with delinquency status for specified timeframes.

Fiscal Impact

The OFR estimates a recurring reduction of $5,000 in revenues but the loss is negligible and would not impact operations. Furthermore, the reduction in staff time reviewing full license applications for each additional location when replaced with a branch office license would likely offset any loss in revenue. In addition, the changes proposed within the bill would require the OFR to update its internal licensing system to create a branch license and annual reporting functionality. The cost of such technology changes would be negligible and can be absorbed within existing resources.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 22-9; House 96-18

Committee on Banking and Insurance

CS/HB 1353 — Commercial Financing Product Brokers and Providers

by Commerce Committee and Rep. Bankson and others (CS/CS/SB 1624 Appropriations Committee on Criminal and Civil Justice; Banking and Insurance Committee; and Senator Brodeur)

The bill creates the "Florida Commercial Financing Disclosure Law," which requires a provider that consummates more than five commercial financing transactions of $500,000 or less in a 12-month period to give each business that enters into a consumer financing transaction certain written disclosures regarding the total cost of the transaction, and the manner, frequency, and amount of each payment. The bill provides exemptions to these disclosures. The bill provides that a provider's characterization of accounts receivable purchase transaction as a purchase is conclusive that the transaction is not a loan or a transaction for the use, forbearance, or detention of money. The commercial financing disclosures can be used to assist small businesses in comparing the types and cost of financial products available in the marketplace.

Disclosures

The provider is required to disclose in writing the following at or before consummation of a commercial financing transaction:

- The total amount of funds provided to the business under the terms of the agreement;
- The total amount of funds disbursed to the business under the terms of the agreement, if less than the total amount of funds provided, as a result of any fees deducted or withheld at disbursement and any amount paid to a third party on behalf of the business;
- The total amount to be paid to the provider pursuant to terms of the agreement;
- The total dollar cost of the commercial financing transaction under the terms of the agreement, derived by subtracting the total amount of funds provided from the total of payments;
- The manner, frequency, and amount of each payment; and
- A statement of whether there are any costs or discounts associated with prepayment of the commercial financing transaction including a reference to the provision in the agreement that creates the contractual rights of the parties related to prepayment.

A provider that consummates a commercial financing facility to purchase multiple accounts receivable from a recipient may provide the required disclosures described above that are based on an example of an accounts receivable purchase with a total face amount of $10,000. Only one disclosure is required for each commercial financing facility, and a disclosure is not required as a result of a modification, forbearance, or change to the facility.

Prohibited Acts

The bill prohibits a broker arranging a consumer financing transaction from engaging in any of the following acts:

- Assessing, collecting, or soliciting an advance fee from a business to provide services to a broker. However, this prohibition would not preclude a broker from soliciting a business to pay for, or preclude a business from paying for, actual services necessary to apply for commercial financial products, such as a credit check or an appraisal of security, if certain conditions are met.
- Making or using any false or misleading representation or omitting any material fact in the offer or sale of the services of a broker or engage in any act that would operate as fraud or deception upon any person in connection with the offer or sale of the services of the broker, notwithstanding the absence of reliance by the business.
- Making or using any false or deceptive representation in its business dealings.
- Offering the services of a broker by any advertisement without disclosing the actual address and telephone number of the business of the broker.

Enforcement

The bill provides that a violation of this act is punishable by a fine of $500 per incident, not to exceed $20,000 for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this act. Any person who violates any provision of this act after receiving written notice of a prior violation from the Attorney General is subject to a fine of $1,000 per incident, not to exceed $50,000 for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this act. The Attorney General has exclusive authority to impose fines for noncompliance with the disclosure requirements and prohibited acts.

The bill does not create a private right of action against any person or entity based upon compliance or noncompliance with this act. A violation of the provisions of this bill do not affect the enforceability or validity of the underlying commercial financing transaction.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-1

Committee on Banking and Insurance

CS/CS/HB 1573 — Continuing Care Providers

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Persons-Mulicka and others (CS/SB 622 by Banking and Insurance Committee and Senator Yarborough)

The bill revises provisions of ch. 651, F.S., of the Florida Insurance Code governing continuing care retirement communities (CCRC). The CCRCs provide lifelong housing, household assistance, and nursing care in exchange for a significant entrance fee and monthly fees. A CCRC can include an independent living apartment or house, as well as an assisted living facility or a nursing home. The Office of Insurance Regulation (OIR) regulates CCRC providers as specialty insurers, while the Agency for Health Care Administration regulates the provision of health care.

Regulatory Oversight of CCRCs

Relating to the regulatory oversight of CCRCs, the bill:

- Allows CCRCs easier access to escrowed resident fees as part of an expansion, by allowing the provider to access the escrowed funds once 75 percent of the proposed units have been reserved rather than once payment in full has been received for 50 percent of the units.
- Reduces the time for the OIR to approve or deny an expansion application from 45 days to 30 days from the date the application is deemed complete.
- Specifies that when a provider is using an escrow account held pursuant to a trust indenture or mortgage lien to meet its minimum liquid reserve requirement, the trust indenture, loan agreement, or escrow agreement must require the provider, trustee, lender, escrow agent, or another person designated to act in their place to notify the OIR in writing at least 10 days before the withdrawal of any portion of the debt service reserve funds required to meet the provider's minimum liquid reserve requirement.
- Removes the requirement for a provider to obtain prior approval from the OIR to withdraw funds from a debt service reserve required to be escrowed pursuant to a trust indenture of mortgage lien if the funds will be used to pay principal and interest payments.
- Expands the types of financial institutions that can provide a letter of credit to a provider to satisfy its minimum liquid reserve requirements by adding state-chartered financial institutions as well as federally-chartered financial institutions.
- Allows a provider to assess a cancellation penalty against a person who signs a residency contract and rescinds it within seven days if the person had previously signed a reservation agreement and did not cancel it within 30 days.
- Requires the OIR to commence examinations of CCRCs within 12 months after the end of the most recent fiscal year covered by the examination. Further, the scope of the examination may include events subsequent to the end of the most recent fiscal year and the events of any prior period, which affects the present financial condition of the provider.

Transparency for Residents

Regarding transparency for residents, the bill:

- Clarifies that residents may participate in residents' council matters, including elections;
- Requires providers that own or operate more than one facility in Florida to have a designated resident representative at each facility;
- Requires the provider notify the designated resident representative at least 14 days in advance of any meeting of the full governing body at which the annual budget and proposed changes in resident fees or services are on the agenda or will be discussed so that the resident can attend and participate in that portion of the meeting;
- Requires each facility to provide written notice to the president or chair of the residents' council within 10 business days after a change in management; and
- Requires each facility to provide a copy of the OIR final examination report and a corrective action plan, if applicable, to the president or chair of the residents' council within 60 days after issuance of the report.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-1

Committee on Banking and Insurance

HB 7007 — OGSR/Security and Firesafety Plans

by Ethics, Elections and Open Government Subcommittee and Rep. Jacques (CS/SB 7040 by Rules Committee and Banking and Insurance Committee)

The bill saves from repeal the current public records exemptions for security or firesafety systems or plans for any state owned or leased buildings and any privately owned or leased property and information relating to such systems or plans that are held by a state agency. The bill also saves from repeal the current public meetings exemptions for any portion of a meeting that would reveal security or firesafety systems or plans that are exempt from public records requirements. The bill repeals a duplicative public record and public meeting exemption for security or firesafety system plans and related information.

The exemptions are necessitated because it is believed that disclosure of sensitive information relating to the security or firesafety systems or plans could result in identification of vulnerabilities in such systems and allow a security breach that could damage the systems and disrupt their safe and reliable operation.

The Open Government Sunset Review Act requires the Legislature to review each public record and public meeting exemption five years after enactment. These exemptions are scheduled to repeal on October 2, 2023. The bill removes the scheduled repeals to continue the exempt status.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Banking and Insurance

HB 7035 — OGSR/Citizens Property Insurance Corporation/Cybersecurity Data and Information

by Ethics, Elections and Open Government Subcommittee and Rep. Griffitts and others (CS/SB 7042 by Rules Committee and Banking and Insurance Committee)

The bill (Chapter 2023-76, L.O.F.) repeals s. 627.352(1)(a), F.S., which makes confidential and exempt from disclosure records held by the Citizens Property Insurance Corporation (Citizens) identifying detection, investigation, or response practices for suspected or confirmed information technology security incidents if certain criteria are met. The confidential and exempt records protected from disclosure under this provision are considered to fall within the scope, and therefore the provision is duplicative, of the general exemption for agency cybersecurity information under s. 119.0725, F.S.

The bill saves from repeal the public records exemption in s. 627.352(1)(b), F.S., maintaining the exemptions in current law for any portions of a risk assessment, an evaluation, an audit, and any other reports of Citizens' information technology security program for its data, information, and information technology resources which are held by Citizens, if the disclosure would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- Data or information; or
- Information technology resources, including:
  - Information relating to the security of the corporation's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access.
  - Security information which relates to Citizens' existing or proposed information technology systems.

The bill makes technical amendments, including clarifying that "confidential and exempt" records and portions of public meeting records and transcripts are available to certain state or federal agencies.

The public records exemption stands repealed on October 2, 2023, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the data and information under s. 627.352(1)(b), F.S.

This bill is not expected to impact state or local government revenues or expenditures.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Banking and Insurance

CS/SB 7052 — Insurer Accountability

by Fiscal Policy Committee and Banking and Insurance Committee

The bill contains various provisions intended to increase consumer protection and insurer accountability in this state.

Regarding insurance coverage, the bill:

- Prohibits authorized insurers from cancelling a property insurance policy during any pending claim until the earlier of when the property has been repaired or 1 year after the insurer issues the final claim payment. The bill expands upon current law which prohibits authorized insurers from cancelling a residential property insurance policy until 90 days after repairs are complete for damage resulting from a hurricane or wind loss that is the subject of a state of emergency declared by the Governor and for which the Office of Insurance Regulation has issued an emergency order.
- Protects policyholders whose property insurance company becomes insolvent by requiring Citizens Property Insurance Corporation cover property with open claims handled by the Florida Insurance Guaranty Association.
- Clarifies that if a roof deductible is applied, the prohibition on applying any other deductible under the policy encompasses any other loss to the property caused by the same covered peril.
- Tolls the time period for filing a property insurance claim during a named insured's term of deployment to a combat zone or combat support posting.
- Clarifies legislative intent that ch. 2022-271, L.O.F., passed during Special Session A in December 2022, (SB 2-A [2022] on Property Insurance) shall not be construed to impair any right under an insurance contract in effect on or before the applicable effective date of that chapter law (December 16, 2022).

Regarding rates charged for insurance, the bill:

- Requires property insurance and motor vehicle rate filings to include, and the OIR must consider in reviewing rates, the combined effect of recent legislative reforms.
- Appropriates $500,000 from the Insurance Regulatory Trust Fund for the OIR to obtain an actuarial study to implement this requirement.
- Requires property insurance mitigation discounts be updated at least every 5 years and requires insurers to provide consumer-friendly information on their website describing hurricane mitigation discounts available to policyholders.

Regarding insurer claims handling, the bill:

- Requires liability insurers to follow proper claims handling practices on behalf of their insureds and provides that insurers engaging in a pattern or practice of violations are subject to enhanced enforcement penalties including a 2.0 multiplier of fines.

- Requires residential property insurers to create and use claims-handling manuals that comply with the Insurance Code and, at a minimum, comport to industry standards. The OIR may request a claims handling manual at any time and requires each property insurer to attest that their claims manuals comply with Florida law and the insurer is able to properly implement their manual.
- Strengthens the Unfair Insurance Trade Practices Act by:
  - Prohibiting alteration or amendment of an adjuster's report without providing a detailed explanation as to why any change that has the effect of reducing the estimate of the loss was made. The insurer must also either create a list of changes and who made the change or retain all versions of the report.
  - Prohibiting officers and directors of impaired or insolvent insurers from receiving a bonus from that insurer or other entity under common ownership with that insurer.

Regarding regulatory oversight of insurers, the bill:

- Creates a statutory requirement that the OIR refer suspected criminal activity to the Department of Financial Services (DFS) or other appropriate law enforcement or prosecutorial entities.
- Requires the OIR to develop a risk-based selection methodology for scheduling examinations of insurers. Such methodology must include:
  - Use of a risk-focused analysis to prioritize financial examinations of insurers when such reporting indicates a decline in the insurer's financial condition.
  - Consideration of:
    - Level of capitalization and identification of unfavorable trends;
    - Negative trends in profitability or cash flow from operations;
    - National Association of Insurance Commissioners Insurance Regulatory Information System ratio results;
    - Risk-based capital and risk-based capital trend test results;
    - The structure and complexity of the insurer;
    - Changes in the insurer's officers or board of directors;
    - Changes in the insurer's business strategy or operations;
    - Findings and recommendations from an examination;
    - Current or pending regulatory actions by the OIR or the DFS;
    - Information obtained from other regulatory agencies or independent organization ratings and reports; and
    - The impact of an insurer's insolvency on policyholders of the insurer and the public generally.
  - Prioritization of property insurers for which the OIR identifies significant concerns about an insurer's solvency.
  - Any other matters the OIR deems necessary to consider for the protection of the public.
- Provides that the OIR must initiate a market conduct examination after a hurricane if, at any time more than 90 days after the end of the hurricane, the insurer:

  - Is among the top 20 percent of insurers based upon a calculation of the ratio of hurricane claim-related consumer complaints made about that insurer to the DFS to the insurer's total number of hurricane-related claims;
  - Is among the top 20 percent of insurers based upon a calculation of the ratio of hurricane claims closed without payment to the insurer's total number of hurricane claims;
  - Has made significant payments to its managing general agent since the hurricane; or
  - Is identified by the OIR as necessitating a market conduct exam for any other reason.
- Specifies factors the OIR may consider in determining whether the continued operation of an insurer may be deemed hazardous to its policyholders, creditors, or the general public. In making such a determination, the OIR may consider, in the totality of the circumstances, any of the following:
  - Adverse findings reported in financial condition or market conduct examination reports, audit reports, or actuarial opinions, reports, or summaries;
  - The National Association of Insurance Commissioners Insurance Regulatory Information Systems and its other financial analysis solvency tools and reports;
  - Whether the insurer has made adequate provisions for the anticipated cash flows required to cover its obligations and expenses;
  - The ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection;
  - Whether the insurer's operating loss in the last twelve-month period is greater than fifty percent of the insurer's remaining surplus;
  - Whether the insurer's operating loss in the last twelve-month period excluding net capital gains, is greater than twenty percent of the insurer's remaining surplus;
  - Whether a reinsurer, obligor, or any entity within the insurer's insurance holding company system, is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations, and which may affect the solvency of the insurer;
  - Contingent liabilities, pledges, or guaranties which in the opinion of the OIR may affect the solvency of the insurer;
  - Whether any "affiliate" of an insurer is delinquent in the transmitting to, or payment of, net premiums to the insurer;
  - The age and collectability of receivables;
  - Whether the management of an insurer fails to possess and demonstrate the competence, fitness, and reputation deemed necessary;
  - Whether management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false or misleading information to the OIR;
  - Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the OIR;
  - Whether management of an insurer has filed or released any false or misleading financial statement, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;
  - Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;

  - Whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems;
  - Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principals and standards of practice;
  - Whether management persistently engages in material under reserving that results in adverse development;
  - Whether transactions among affiliates, subsidiaries, or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;
  - The ratio of the annual premium volume to surplus or of its liabilities to surplus in relation to loss experience and/or the kinds of risks insured;
  - Whether the insurer's asset portfolio when viewed in light of current economic conditions and indications of financial or operational leverage is of sufficient value, liquidity or diversity to assure the company's ability to meet its outstanding obligations as they mature;
  - Whether the excess of surplus to policyholders over and above an insurer's statutorily required surplus to policyholders has decreased by more than 50 percent in the preceding 12-month period;
  - Whether residential property insurers have sufficient capital, surplus, and reinsurance to withstand significant weather events, including but not limited to hurricanes;
  - The insurer's required surplus, capital, or capital stock is impaired to an extent prohibited by law;
  - The insurer continues to write new business when it has not maintained the required surplus or capital;
  - The insurer attempts to dissolve or liquidate without first having made provisions, satisfactory to the OIR, for liabilities arising from insurance policies issued by the insurer;
  - Whether an insurer has incurred substantial new debt, has had to rely on frequent or substantial capital infusions, has a highly leveraged balance sheet, or relies increasingly on outside consulting sources;
  - The insurer meets one or more of the grounds in s. 631.051, F.S., for the appointment of the DFS as receiver; or
  - Any other finding determined by the OIR to be hazardous to the insurer's policyholders, creditors, or general public.
- Specifies actions the OIR may take in determining an insurer's financial condition, and specifies actions the OIR may order an insurer to take in an effort to improve the insurer's financial condition.
- Increases maximum administrative fines that may be levied by the OIR on insurers by 250 percent generally, and 500 percent for violations stemming from a state of emergency such as a hurricane.
  - Fines for each nonwillful violation may not exceed $12,500 (up from $5,000) and fines for each willful violation may not exceed $100,000 (up from $40,000). Fines

may not exceed an aggregate amount of $50,000 (up from $20,000) for all nonwillful violations arising out of the same action or an aggregate amount of $500,000 (up from $200,000) for all willful violations arising out of the same action.
    - Fines for "twisting" and for "churning" may not exceed $12,500 (up from $5,000) for each nonwillful violation and may not exceed $187,500 (up from $75,000) for each willful violation. Fines for willfully submitting fraudulent signatures on an application or policy-related document may not exceed $12,500 (up from $5,000) for each nonwillful violation and may not exceed $187,500 (up from $75,000) for each willful violation.
    - Fines for a violation related to a covered loss or claim caused by an emergency for which the Governor declared a state of emergency may not exceed $25,000 for each nonwillful violation and may not exceed $200,000 for each willful violation. Such fines may not exceed an aggregate amount of $100,000 for all nonwillful violations arising out of the same action or an aggregate amount of $1,000,000 for all willful violations arising out of the same action.
- Requires insurers to more promptly respond to the DFS Division of Consumer Services and increases fines for noncompliance. Decreases time for insurers to respond to the DFS Division of Consumer Services from 20 to 14 days and increases fines for noncompliance to $5,000 (up from $2,500) for licensed entities; and increases fines for a licensed individual to a flat $1,000 for each violation (up from $250 for a first violation, $500 for a second violation, and $1,000 for a third and any subsequent violation).
- Requires insurers that violate the Insurance Code to obtain prior approval of forms from the Office of Insurance Regulation (OIR) for three years after the violation.
- Increases staffing for the DFS by appropriating funding for seven full-time equivalent positions.
- Increases staffing at the OIR by appropriating 18 full-time equivalent positions;
- Requires property insurers to report to the OIR any temporary suspension of writing new policies.
- Specifies that insurance fraud referrals may be made to the statewide prosecutor for crimes impacting two or more judicial circuits.
- Requires additional reporting from regulators regarding their enforcement actions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Banking and Insurance

SB 7054 — Central Bank Digital Currency

by Banking and Insurance Committee

The bill aims to protect Floridians' privacy and other rights by prohibiting a central bank digital currency (CBDC), to the extent one is developed by the United States Federal Reserve or a federal agency, and any foreign CBDC, from being treated as money under the Florida Uniform Commercial Code (Florida UCC). The bill defines CBDC in the Florida UCC as a digital currency, digital medium of exchange, or digital monetary unit of account that is issued by the U.S. Federal Reserve, a federal agency, a foreign government, a foreign reserve system, or a foreign reserve system that is made directly available to a consumer by such entities, and includes when such digital currency is processed or validated directly by them. The bill excludes CBDC from the definition of "money" in the Florida UCC.

The bill has no impact on state and local revenues and expenditures and an indeterminate impact on the private sector.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 34-5; House 116-1

Committee on Community Affairs

CS/CS/HB 89 — Building Construction

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Rep. Maggard and others (CS/CS/SB 512 by Rules Committee; Community Affairs Committee; and Senator Hooper)

The bill makes various changes pertaining to the review and issuance of building permits and specifies the extent to which local building officials and fire safety officials may require a building permit applicant or holder to make substantive changes to building plans.

Specifically, the bill:

- Prohibits a local government from making substantive changes to building plans after a permit has been issued unless such changes are required under the Florida Building Code or the Florida Fire Prevention Code. If changes are necessary, the local government must identify in writing the specific parts of the plan that do not conform to the applicable code.
- Requires a building code administrator, plans examiner, or inspector to notify the local government if an employee who is not a building code administrator, plans examiner, or inspector determines that a building plan does not comply with the Florida Building Code.
- Requires a local fire official to notify a building permit applicant of the specific reasons why building plans do not comply with the Florida Fire Prevention Code.
- Allows a plans examiner, inspector, building official, or fire safety inspector to have his or her certificate disciplined for failure to notify the appropriate person of the reasons for making or requiring substantive changes to building plans.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 114-2

Committee on Community Affairs

CS/SB 102 — Housing

by Appropriations Committee and Senators Calatayud, Rouson, Hooper, Osgood, Rodriguez, and Boyd

The bill (Chapter 2023-17, L.O.F.), cited as the "Live Local Act," makes various changes and additions to affordable housing related programs and policies at both the state and local level.

Much of the bill involves the Florida Housing Finance Corporation (FHFC), a public-private entity that administers the two largest statewide affordable housing programs: the State Apartment Incentive Loan (SAIL) program and the State Housing Initiatives Partnership (SHIP) program. With regards to funding for the FHFC, the bill:

- Provides appropriations for the SHIP and SAIL programs, including:
  - $252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program for the 2023-2024 fiscal year;
  - $109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program for the 2023-2024 fiscal year; and
  - $100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction; funds unallocated as of December 1, 2023, will be dedicated as additional SAIL funding (effective upon becoming a law).
- Temporarily exempts documentary stamp tax revenues from the General Revenue service charge to provide up to $150 million in recurring funding to the SAIL program for specified priorities, such as urban infill projects and projects near military installations.
- Establishes the Florida Hometown Hero down payment assistance program for first-time homebuyers with incomes at or below 150 percent of the area median income (AMI) and employed by a Florida-based employer. The bill appropriates $100 million in non-recurring funds from the General Revenue Fund to implement this program.

Regarding the FHFC, the bill also:

- Provides up to a $5,000 refund for sales tax paid on building materials used to construct an affordable housing unit funded through the FHFC.
- Creates a new tax donation program to allow corporate taxpayers to direct certain tax payments to the FHFC, up to $100 million annually, to fund the SAIL program. Of these funds, up to $25 million annually can be dedicated to loans for the construction of large-scale projects of significant regional impact.
- Adds two members to the FHFC Board of Directors, one appointed by the leader of each chamber of the Legislature.
- Broadens the ability for the FHFC to invest in affordable housing developments for those in or aging out of foster care.
- Adds a requirement to its annual legislative budget request.

With regards to other state-level resources, the bill:

- Revises the State Housing Strategy to align with current best practices and goals.
- Requires managers of state nonconservation lands to analyze whether such lands would be more appropriately transferred to a local government for affordable housing related purposes.
- Expands Job Growth Grant Fund eligibility to specifically authorize public infrastructure projects that support affordable housing.
- Increases the amount of tax credits available through the Community Contribution Tax Credit Program for affordable housing from $14.5 million to $25 million annually.

With regards to local governments, the bill:

- Preempts local governments' requirements regarding zoning, density, and height to allow for streamlined development of affordable multifamily rental housing in commercial, industrial, and mixed-use zoned areas under certain circumstances.
- Removes a local government's ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development, while retaining such right for commercial and industrial parcels.
- Removes provision in current law allowing local governments to impose rent control under certain emergency circumstances, preempting rent control ordinances entirely.
- Requires counties and cities to update and electronically publish the inventory of publicly owned properties which may be appropriate for affordable housing development.
- Authorizes the FHFC, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of county or municipal property for affordable housing purposes.
- Requires local governments to maintain a public written policy outlining procedures for expediting building permits and development orders for affordable housing projects.
- Provides that the Department of Economic Opportunity's 2018 Keys Workforce Housing Initiative, which authorized the construction of up to 1,300 affordable housing units in the Keys area, is an exception to the evacuation time requirements that otherwise apply in Monroe County.

The bill also introduces three ad valorem property tax exemptions, which first apply to the 2024 tax roll:

- An ad valorem tax exemption for land owned by a nonprofit entity that is leased for a minimum of 99 years for the purpose of providing affordable housing.
- An ad valorem tax exemption that applies to rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120 percent of the AMI or less.
- Authorizes counties and municipalities to offer, through ordinance, an ad valorem tax exemption to property owners who dedicate units for affordable housing for households earning 60 percent of the AMI or less.

These provisions were approved by the Governor and take effect July 1, 2023, except where otherwise provided.
Vote: Senate 40-0; House 103-6

Committee on Community Affairs

CS/CS/SB 170 — Local Ordinances

by Rules Committee; Community Affairs Committee; and Senators Trumbull and Perry

The bill pertains to the passage and challenging of local ordinances. It adds to the process for local governments passing ordinances and gives certain additional rights to those challenging local ordinances.

The bill requires counties and cities to produce a "business impact estimate" prior to passing an ordinance, with exceptions. The estimate must be published on the local government's website and include certain information, such as the proposed ordinance's purpose, estimated economic impact on businesses, and compliance costs.

Additionally, the bill imposes certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable. In these cases, the bill:

- Requires the local government to suspend enforcement of an ordinance of such legal challenge, under certain circumstances.
- Requires the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.
- Provides that a court may award up to $50,000 in attorney fees to a prevailing plaintiff who successfully challenges an ordinance as arbitrary or unreasonable.

The bill also provides, remedially and effective upon becoming a law, that properly noticed consideration of a proposed ordinance may be continued to a subsequent meeting under certain circumstances without further publication, mailing, or posted notice.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023, except where otherwise provided.
Vote: Senate 28-12; House 82-33

Committee on Community Affairs

CS/CS/SB 250 — Natural Emergencies

by Fiscal Policy Committee; Community Affairs Committee; and Senator Martin

The bill makes various changes throughout Florida Statutes regarding the preparation and response activities of state and local government when natural emergencies impact the state.

Specifically, the bill:

- Requires the Division of Emergency Management to post on its website a model debris removal contract for the benefit of local governments (effective upon becoming a law).
- Requires the Division of Emergency Management to prioritize technical assistance and training to fiscally constrained counties on aspects of preparedness, response, recovery, and mitigation (effective upon becoming a law).
- Encourages local governments to create emergency financial plans in preparation for major natural disasters.
- Provides that counties and municipalities cannot prohibit a resident from placing a temporary residential structure on their property for up to 36 months following a natural emergency under certain circumstances.
- Authorizes local governments to create specialized building inspection teams following a natural disaster and encourages interlocal agreements for additional building inspection services during a state of emergency.
- Requires local governments to expedite the issuance of building permits following a natural disaster.
- Increases the extension of certain building permits following a declaration of a state of emergency from six to 24 months and caps such extension at 48 months in the event of multiple natural emergencies.
- Prohibits counties and municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees until October 1, 2024 (effective upon becoming a law).
- Allows registered contractors to engage in contracting for the types of work covered by their registration within areas for which a state of emergency has been declared (effective upon becoming a law).
- Prohibits counties and municipalities within 100 miles of Hurricane Ian or Hurricane Nicole landfall from adopting more restrictive or burdensome procedures to their comprehensive plans or land development regulations concerning review, approval, or issuance of a site plan, development permit, or development order before October 1, 2024. Additionally, such counties and municipalities may not propose or adopt a moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Ian or Nicole (effective upon becoming a law).
- Extends the date for fire control districts within 50 miles of Hurricane Ian's landfall to submit statutorily-required performance reviews.
- Amends the Consultants' Competitive Negotiation Act to allow for additional disaster-related construction projects relating to Hurricane Ian to utilize the "continuing contracts" provision through December 31, 2023 (effective upon becoming a law).

- Makes the Local Government Emergency Bridge Loan Program a revolving program and makes funds available for local governments impacted by federally declared disasters until July 1, 2038. The bill appropriates $50 million in nonrecurring funds from the General Revenue Fund to the program for the 2023-2024 fiscal year and authorizes $50 million of funds appropriated in special session to a previous version of the program to be transferred and used for this program.
- Provides clarification regarding the 45-day grace period following a hurricane in which owners must bring a derelict vessel into compliance before being charged with a violation.
- Directs the Division of Emergency Management to administer a revolving loan program for local government hazard mitigation projects, and appropriates $1 million in nonrecurring funds from the General Revenue Fund and $10 million in nonrecurring funds from the Federal Grants Trust Fund for such activity for the 2023-2024 fiscal year.
- Shields public utilities from liability for damages arising from changes in reliability, continuity, or quality of services stemming from an emergency or disaster.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.
Vote: Senate 39-0; House 109-4

Committee on Community Affairs

CS/CS/HB 327 — Fire Sprinkler System Projects

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Rep. Bell and others (CS/SB 408 by Regulated Industries Committee and Senator Perry)

The bill creates a simplified permitting process for fire sprinkler system alteration projects involving 20 or fewer sprinklers. For these "fire sprinkler system projects," as defined in the bill, a local enforcement agency may require a fire system contractor to submit a permit application and pay a permit fee, but may not require the contractor to submit plans or specifications as a condition of obtaining such permit. Such fire sprinkler system projects must have at least one inspection to ensure compliance with applicable codes and standards, and a contractor must keep a copy of plans available for inspection. The local enforcement agency must issue a permit for a fire sprinkler system project in person or electronically. These provisions mirror the simplified permitting process in current law for small fire alarm system projects.

The bill defines a "fire sprinkler system project" to mean a fire protection system alteration of a total of 20 or fewer fire sprinklers that have the same K-factor (relating to discharge rates from sprinkler heads) and does not change a hazard classification or an increased system coverage area, or the installation or replacement of an equivalent sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building.

The bill also clarifies the scope of work for certain fire protection system contractors. It provides that a Contractor I or II may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, and the addition of 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 110-0

Committee on Community Affairs

CS/CS/SB 346 — Public Construction

by Governmental Oversight and Accountability Committee; Community Affairs Committee; and Senator DiCeglie

Local Government Construction Contracts

Contracts between local governments and private contractors for construction of public projects are subject to prompt payment requirements. The Local Government Prompt Payment Act provides for timely payment by local governmental entities to construction contractors. State government public construction contracts are subject to the Florida Prompt Payment Act.

Each local government contract for construction services must provide for the development of a single list of items required to render complete, satisfactory, and acceptable construction services purchased by the local governmental entity (also called a "punch list").

The bill requires each punch list to outline the estimated cost of each item necessary to complete the work. The local government must pay all portions of the contract balance, except for 150 percent of the portion attributed to those projects on the list within 20 days after the list is created, subject to certain exceptions. A local government must pay the contractor for the remaining list projects upon their total completion, subject to certain exceptions.

The bill limits local governments' ability to withhold certain amounts under the contract to only those subject to a written good faith dispute or claims against public surety bonds. It also shortens the timeframes in which a disputed construction services contract must be resolved, and clarifies that a local government must pay the undisputed portions of a contract within 20 days.

Public Works Projects

Under current law, political subdivisions may impose otherwise prohibited requirements on contractors for public works projects that are paid for entirely with local funds or, if state funds are used, for projects up to $1 million. The bill removes the ability for political subdivisions to impose such requirements on contractors for projects that use any amount of *state-appropriated funds*. Therefore, political subdivisions that pay for public works projects with any state funds cannot:

- Exclude contractors from bidding on a public works project based on their geographic location;
- Impose certain wage and employment conditions on contractors and their employees;
- Require that a contractor recruit, train, or hire employees from a designated, restricted, or single source; and
- Prohibit any contractor, subcontractor, materials supplier, or carrier from submitting a bid if the entity is qualified, licensed, or certified.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 36-0; House 83-29

Committee on Community Affairs

CS/CS/SB 540 — Local Government Comprehensive Plans

by Rules Committee; Judiciary Committee; and Senator DiCeglie

Current law provides a process for an affected person to challenge whether a comprehensive plan or plan amendment complies with the Community Planning Act in ch. 163, F.S., by petitioning the Division of Administrative Hearings for a formal hearing on the matter. The bill provides that in an administrative challenge to a comprehensive plan or a plan amendment, the prevailing party is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

The bill also clarifies the scope of review for a local government decision to grant or deny a development order by providing that the order may only be challenged if it would materially alter the use, density, or intensity of the property in a manner not consistent with the comprehensive plan.

Lastly, the bill provides that land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 29-10; House 87-30

Committee on Community Affairs

SB 678 — Disposal of Property

by Senator Powell

The bill provides that the Florida Department of Transportation may convey property to a governmental entity without consideration if the property is to be used for affordable housing.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 119-0

Committee on Community Affairs

CS/CS/SB 718 — Local Government

by Rules Committee; Community Affairs Committee; and Senator Yarborough

Annexation and Contraction

The bill makes changes to the municipal annexation and contraction process by specifying requirements for the report a municipality must prepare prior to any annexation or contraction action. The bill defines the report as a "feasibility study" and provides that such study must analyze the economic, market, technical, financial, and management feasibility of a proposed annexation or contraction.

As it pertains to contraction specifically, the bill removes the requirement that a municipality provide specific findings when rejecting a petition from the voters in an area desiring to be excluded from the municipal boundaries. It also revises the contraction procedures in situations where more than 70 percent of the acres proposed to be contracted are owned by private entities that are not registered electors. The bill requires in these instances that the owners of a majority of the acreage consent to such contraction. This change mirrors requirements in current law for municipal annexation and will apply to contraction petitions filed on or after July 1, 2023.

Amendments to Land Development Regulations

Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

The bill prohibits local governments from requiring an initiative and referendum process for amendments to land development regulations. Current law generally prohibits an initiative or referendum process for any development order, as well as any local comprehensive plan amendment or map amendment.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 35-4; House 91-26

Committee on Community Affairs

SB 942 — Authorization of Restrictions Concerning Dogs

by Senators Calatayud, Martin, and Rodriguez

Local governments may adopt ordinances to address safety and welfare concerns stemming from dog attacks on people or domestic animals, placing restrictions and additional requirements on owners of dangerous dogs, provided that no regulations may be breed-specific. The bill adds size and weight to the prohibited dog characteristics a local government may not use to regulate dogs in its jurisdiction, and places the same restrictions on public housing authorities.

The bill also removes the provision in statute allowing local governments to enforce dog breed-specific regulations if such regulation was enacted by ordinance before October 1, 1990. Local governments known to be affected by this change include Miami-Dade County and the City of Sunrise.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-1; House 116-0

Committee on Community Affairs

CS/CS/HB 1281 — Preemption Over Utility Service Restrictions

by Commerce Committee; Energy, Communications and Cybersecurity Subcommittee; and Rep. Buchanan and others (CS/SB 1256 by Community Affairs Committee and Senator Collins)

The bill preempts local governments from restricting or prohibiting the use of any appliance, including a stove or grill, which uses any type of fuel source, except as necessary to enforce the Florida Building Code or Florida Fire Prevention Code. "Appliance" is defined as any device or apparatus, manufactured and designed to use energy, for which the Florida Building Code or Florida Fire Prevention Code provides specific requirements.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 33-4; House 98-16

Committee on Community Affairs

HB 1373 — County Constitutional Officers

by Rep. Fernandez-Barquin and others (SB 1490 by Senator Garcia)

The bill prohibits a county from creating or authorizing any office, special district, or governmental unit to exercise any power or authority allocated by the Florida Constitution or general law exclusively to a county officer. A county commissioner who votes in favor of a proposed ordinance for such a creation or expansion of powers commits misfeasance or malfeasance in office. If a county adopts such an ordinance, the state may withhold all or part of any distribution under local government revenue sharing.

The bill allows a sheriff, tax collector, property appraiser, supervisor of elections, clerk of the court, or any resident of a county to bring an action in circuit court against a county for the adoption of such an ordinance. The bill provides that a court may award declaratory and injunctive relief, damages, and costs, including reasonable attorney fees, to a prevailing party other than the county. The bill also prohibits a county from including funding in its budget for any office, special district, or governmental unit exercising any power or authority allocated exclusively to a county officer by the Florida Constitution or general law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-3

Committee on Community Affairs

CS/HB 1575 — Public Safety Emergency Communications Systems

by Commerce Committee and Rep. Brackett and others (CS/SB 1614 by Banking and Insurance Committee and Senator Rodriguez)

Local fire authorities set standards for radio signal strength in buildings within their jurisdiction to ensure consistent fire and rescue communication capabilities. Two-way radio communication enhancement systems (enhancement systems) are post-construction systems that accept and amplify first responders' radio signals so that the radio signal strength at ground level is equal to the radio signal strength in all locations throughout the building.

The bill limits when a local authority can require signal strength assessment and installation of an enhancement system, as follows:

- An enhancement system may not be required if the radio signal strength at the exterior of the building is inadequate.
- Unless the building undergoes significant renovation or poses a safety threat, a signal strength assessment may be required no more often than every five years, or every three years for high-rise buildings or buildings exceeding 12,000 square feet.
- If an enhancement system is required after assessment of a new building, a contractor must submit a design for the system to the local authority, who must require installation of the system within 12 months after the issuance of temporary certificate of occupancy. If an existing building requires an enhancement system, the building owner must be granted at least one year to do so.
- Certain structures are not required to meet radio signal strength requirements at any time, including one- and two-family dwellings, buildings smaller than 12,000 square feet with no underground areas, and certain apartments and public lodging establishments.
- Local fire authorities may not enforce more stringent requirements than the Florida Fire Prevention Code provides regarding radio signal strength.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 115-0

Committee on Community Affairs

CS/CS/SB 1604 — Land Use and Development Regulations

by Rules Committee; Community Affairs Committee; and Senator Ingoglia

The bill (Chapter 2023-31, L.O.F.) makes various changes to current law pertaining to local government comprehensive planning, independent special district development agreements, and local regulation of electrical substation siting.

Comprehensive Planning

The bill revises local comprehensive planning requirements by increasing the two required planning periods to a 10-year and 20-year period, from 5 and 10, and prohibiting local governments that fail to update their comprehensive plans in accordance with the 7-year evaluation and appraisal process from initiating or adopting any publicly-initiated plan amendments. Additionally, the bill prescribes certain procedures for the Department of Economic Opportunity to apply when local governments remain out of compliance with comprehensive planning updates.

The bill also removes local governments' ability to require specified "building design elements" for residential dwellings in planned unit developments, master planned communities, and communities with a design review board or architectural review board created on or after January 1, 2020. "Building design elements" mean the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms.

Development Agreements

Effective upon becoming a law, the bill precludes independent special districts from complying with the terms of any development agreement which is executed within three months preceding a law modifying the manner of selecting members of the governing body of the special district from election to appointment or appointment to election. The newly elected or appointed governing body of the special district must review within four months of taking office any such development agreement and vote on whether to seek readoption of the agreement. These provisions expire on July 1, 2028, unless reviewed and reenacted by the Legislature.

Electrical Substations

"Distribution electrical substation" is defined in current law as an electrical substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

The construction of new "distribution electrical substations" is a permitted use in all future land use categories and zoning districts, with certain exceptions. Local governments may adopt reasonable land development regulations for new substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards.

The bill modifies the term "distribution electrical substation" to include accessory administration or maintenance buildings and related accessory uses and structures. It also removes reference to "distribution" and the kilovolt limitation, applying the local regulation limitations to electric substations of all sizes, i.e., distribution and transmission substations. Additionally, the bill makes the electric substation approval process applicable to existing substations, as well as new ones, and removes the ability for local governments to adopt reasonable land development regulations for solar substations.

These provisions were approved by the Governor and take effect July 1, 2023, except as otherwise provided.
Vote: Senate 27-13; House 75-34

Committee on Children, Families, and Elder Affairs

CS/SB 204 — Task Force on the Monitoring of Children in Out-of-Home Care

by Fiscal Policy Committee and Senators Rouson and Garcia

The bill establishes the Task Force on the Monitoring of Children in Out-of-Home Care (Task Force) adjunct to the Florida Department of Law Enforcement (FDLE). The Task Force is required to identify and counter the root causes of why children go missing while in out-of-home care and to ensure prompt and effective action to address such causes. The Task Force must examine and recommend improvements to current policies, procedures, programs, and initiatives and to ensure that timely and comprehensive steps are taken to find children who are missing for any reason, including, but not limited to, running away, human trafficking, and abduction by or absconding with a parent or an individual who does not have care or custody of the child.

The bill details the composition of the Task Force to be 13 members, including, but not limited to, a member of the Senate, a member of the House of Representatives, and representatives from the FDLE, the Guardian ad Litem program, and the community-based care lead agencies, a licensed foster parent, and a young adult who has aged out of the foster care system. Dates are specified for member appointments and the initial meeting of the Task Force.

The bill requires the Department of Children and Families to submit monthly reports through October 1, 2024, to assist the Task Force in fulfilling its duties and requires the Florida Institute for Child Welfare to conduct focus groups or individual interviews with children in out-of-home care and young adults who have aged out of the foster care system to examine why children leave their out-of-home placements and how to prevent them from leaving.

The bill requires the Task Force to submit a report with findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2024.

The bill includes a date for repeal of the Task Force on June 30, 2025, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/SB 210 — Substance Abuse Services

by Children, Families, and Elder Affairs Committee and Senator Harrell

The bill modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences. The bill prohibits the following substances from being used on the premises of a provider licensed by the Department of Children and Families (the DCF):

- Alcohol;
- Marijuana, including marijuana certified by a qualified physician for medical use;
- Illegal drugs; and
- Prescription drugs when used by persons other than for whom the medication is prescribed.

The bill also prohibits referrals from licensed service providers to recovery residences which allow the use of such substances on the premises, and it requires service providers to provide proof of a prohibition on the use of such substances in applications for licensure with the DCF.

Additionally, the bill provides that referrals to a recovery residence include placement into the licensed housing component of a service provider's day or night treatment program, regardless of whether the housing component is affiliated with the service provider. This will ensure that all patients referred to a recovery residence are also referred into licensed community housing as part of treatment.

The bill makes it a second degree misdemeanor for any person discharged from a recovery residence to willfully refuse to depart after being warned by an owner or authorized employee of the residence.

The bill requires the DCF to establish a mechanism for the imposition and collection of fines arising from failed inspections of recovery residences and improper referrals made by licensed service providers no later than January 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 118-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 272 — Children and Young Adults in Out-of-home Care

by Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senators Garcia, Osgood, Perry, Book, and Berman

The bill is cited as the "Nancy C. Detert Champion for Children Act." The bill makes several changes to statutes that enhance support for children and young adults who are currently or have formerly been in out-of-home care. The bill requires case managers and other staff to provide children in out-of-home care certain education and information about topics, rights, policies, and procedures related to their protection and safety. The bill also requires the DCF to consult with these youth when creating or revising any print or digital information used to educate and inform these youth to ensure the information is understandable and age-appropriate.

The bill establishes the Office of the Children's Ombudsman within the DCF and details the role of that office. Additionally, the bill requires case managers and other child welfare professionals to ensure that youth in out-of-home care receive information and education about certain topics related to laws, expectations, and goals of the out-of-home care system.

The bill also expands eligibility for the Keys to Independence program that removes barriers for foster and former foster youth to obtain a driver's license. The bill removes the criteria for a youth that is in a specified program, to have also been in licensed care upon his or her 18th birthday. This change will allow approximately 450 additional young adults to be eligible to participate in the Keys program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 299 — Education and Training for Alzheimer's Disease and Related Form of Dementia

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Reps. Black, Salzman, and others (CS/CS/SB 1182 by Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senators Simon and Book)

The bill establishes the Florida Alzheimer's Disease and Dementia Training Act. The bill establishes universal Alzheimer's disease and related disorder (ADRD) training requirements to be used by nursing homes, home health agencies, nurse registries, companion or homemaker service providers, health care services pools, assisted living facilities (ALF), adult family-care homes (AFCH), adult day care centers (ADCC), and ADCCs that provide specialized Alzheimer's services to replace each license type's individual training requirements on that topic.

The bill defines a number of terms, including "covered provider," "department," "employee," "personal care," and "regular contact."

The bill requires that all employees of covered providers receive basic written information about interacting with persons who have ADRD upon beginning employment. Employees of covered providers who provide personal care to or have regular contact with patients, participants, or residents, must also complete one hour of dementia-related training within 30 days of his or her initial employment.

The bill also requires that each employee of a home health agency, nurse registry, or companion or homemaker service provider who provides personal care receive two hours of additional training within the first seven months of employment. Each employee of a nursing home, ALF, AFCH, or ADCC who provides personal care must receive three hours of additional training within the first seven months of employment. Employees of ALFs with a limited mental health license are not required to complete this additional training.

Additionally, an employee of an ALF, AFCH, or ADCC that advertises and provides specialized care for persons with Alzheimer's disease must also receive the following additional training:

- Three hours of additional training within the first three months of employment, rather than the first seven months as with non-specialized facilities;
- Four hours of dementia-specific training within the first six months of employment; and
- Four hours of continuing education each calendar year through:
  - Contact hours;
  - On-the-job training, limited to a certain amount of credit in each calendar year; or
  - Electronic learning technology.

Employees of a health care services pool must complete the training that correlates with the training required for the position and facility in which the employee will be working.

The bill directs the Department of Elder Affairs (DOEA) to provide the initial one hour of dementia-related training in an online format at no cost. The training must contain information on the following topics:

- Understanding the basics about the most common forms of dementia;
- How to identify the signs and symptoms of dementia; and
- Skills for communicating and interacting with persons with ADRD.

The bill requires the DOEA to make a record of the completion of the one-hour training program available to covered providers. The record must include the training, the name of the employee, and the date of completion. The bill also requires covered providers to maintain a record of each employee's completion of the training and, upon request, provide the employee with a copy of the completion record consistent with the employer's written policies.

Employees hired, contracted, or referred to provide services before July 1, 2023, must complete the training before July 1, 2026. However, proof of completion of equivalent training that has been completed prior to July 1, 2023, may substitute for the training. Employees hired, contracted, or referred to provide services on or after July 1, 2023, may satisfy training requirements by completing current training curricula approved by the DOEA until the effective date of the rules adopted by the DOEA under the bill.

The bill also requires the DOEA to offer education to the general public about ADRD. The education must provide basic information about:

- The most common forms of dementia;
- How to identify the signs and symptoms of dementia;
- Coping skills;
- How to respond to changes;
- Planning for the future; and
- How to access additional resources about dementia.

The bill also repeals s. 400.53, F.S., relating to the Nurse Registry Excellence Program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Children, Families, and Elder Affairs

CS/SB 404 — Public Records/Photograph or Video or Audio Recording of the Killing of a Minor/Autopsy Reports of Minors

by Rules Committee and Senator Perry

The bill creates two new public records exemptions related to the death of minors.

First, the bill makes confidential and exempt from public disclosure the photographs or video or audio recordings that depict the killing of a minor when held by an agency. The bill defines the "killing of a minor" and specifies who may obtain such photographs and recordings and specifies the process for obtaining these materials. The bill provides for retroactive application of the exemption.

The bill amends s. 119.071(2)(p), F.S., to conform to the expanded exemption for photographs or video or audio recordings that depict the killing of a minor. Specifically:

- Certain government entities may access such photographs or video or audio recordings in furtherance of their official duties;
- The court, upon showing of good cause, may issue an order authorizing any person to view or copy such photographs or video or audio recordings;
- The record custodian in control of photographs or video or audio recordings, or his or her designee, must directly supervise anyone who views, copies, or handles such records;
- Any surviving parent must be given reasonable notice of petition to view or copy the photographs or video or audio recordings, a copy of the petition, and reasonable notice of the opportunity to be heard at any hearing; and
- Any custodian of photographs or video or audio recordings that depict the killing of a minor who willfully and knowingly violates the provisions in the section and any person who violates a court order issued pursuant to the section, commits a third degree felony.

The exemption created for photographs or video or audio recordings that depict the killing of a minor must be given retroactive application.

Second, the bill also creates the "Rex and Brody Act" and makes confidential and exempt from public inspection and copying requirements an autopsy report of a minor whose death was related to an act of domestic violence held by a medical examiner. The bill allows for disclosure of the report to the surviving parent who did not commit the act of domestic violence. The bill provides for retroactive application of the exemption.

The bill conforms several provisions in s. 406.135, F.S., to incorporate the expanded exemption for autopsy reports of certain minors. Specifically:

- Certain government entities may access such reports in furtherance of their official duties;
- The custodian of the record, or his or her designee, may not permit any other person, except an authorized designated agent, to view or copy an autopsy report of a minor;

- A court may use its discretion to authorize the disclosure of such reports;
- Reasonable notice of a petition to view such reports must be given to certain surviving parents; they must also receive a copy of the petition to view or copy such reports; and
- Any person who willfully and knowingly violates a court order regarding the disclosure of these reports, and any custodian who willfully and knowingly discloses these reports in violation of the law, are subject to a third degree felony.

The term "minor" is defined to mean a person younger than 18 years of age who has not had the disability of nonage removed.

The bill makes findings that the new exemptions from public records disclosure for photographs or video or audio recordings that depict the killing of a minor and for an autopsy report of a minor whose death was related to an act of domestic violence are a public necessity as required by the Florida Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/CS/SB 538 — Provisional Child Care Licensing

by Military and Veterans Affairs, Space, and Domestic Security Committee; Children, Families, and Elder Affairs Committee; and Senator Trumbull

The bill adds a new child care licensing provision which requires the Department of Children and Families or the local licensing agency to issue a provisional license or registration for a family day care home licensed under s. 402.313, .F.S.; large family child care home licensed under s. 402.3131, F.S.; or child care facility licensed under s. 402.305, F.S. The bill requires an applicant for an initial license or registration to have made adequate provisions for the health and safety of the child and provides sufficient evidence that he or she has completed within the previous 6 months:

- Training pursuant to the United States Department of Defense Instruction 6060.02 (Child Development Programs); and
- Background screening pursuant to the designated requirements of the Department of Defense and has received favorable suitability and fitness determination.

The provisional license allows a family day care home, large family child care home, or child care facility operator to provide child care services while simultaneously completing any remaining state licensure requirements.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 118-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 625 — Children's Initiative Projects

by Health and Human Services Committee; Children, Families and Seniors Subcommittee and Rep. Bracy Davis and others (CS/SB 1578 by Children, Families, and Elder Affairs Committee and Senator Thompson)

The bill makes numerous changes to s. 409.147, F.S., to restructure, streamline, and clarify the requirements and objectives of children's initiatives in Florida.

Specifically, the bill:

- Renames s. 409.147, F.S., from "Children's Initiatives" to "Florida Children's Initiatives."
- Renames the "Parramore Kidz Zone" to the "Orlando Kidz Zones" and expands the reach of the initiative to encompass the Orlando neighborhoods of Parramore, Mercy Drive, and Englewood.
- Renames the "Tampa Sulphur Springs Neighborhood of Promise Success Zone" to the "Tampa Sulphur Springs Neighborhood of Promise."
- Removes the specification that existing children's initiatives are 10-year projects and makes changes throughout to extend current requirements and exemptions enumerated for children's initiatives to all Florida Children's Initiatives, including requirements for public records and meetings and procurement of commodities or contractual services.
- Expands the ways in which a county or municipality must recognize a not-for-profit corporation that will serve as a children's initiative to allow a county to identify an existing, qualified not-for-profit corporation, as a children's initiative instead of creating one.
- Grants counties that do not currently have a children's initiative and are trying to establish an initiative priority for designation as a children's initiative.
- Expands the youth support objectives of the children's initiative working group to include increasing "postsecondary enrollment, and postsecondary completion rates among neighborhood youth" not just "increasing high school graduation" and the safety objectives of the working group to "reduce youth incarceration" in addition to the currently required "reduce youth violence, crime, and recidivism."
- Makes technical and conforming changes throughout to implement the substantive changes of the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Children, Families, and Elder Affairs

CS/SB 664 — Contracts Entered into by the Department of Children and Families

by Children, Families, and Elder Affairs Committee and Senator Burgess

The bill expands the contract requirements of the Department of Children and Families requiring a lead agency to annually provide and publish operating procedures detailing timelines and procedures to maximize the use of concurrent planning, minimize the time to complete preliminary and final adoptive home studies, streamline data entry into the statewide child welfare information system, and reduce time to permanency.

The bill also requires a lead agency to gather all information required and complete the child specific information section of the unified home study, excluding information related to any prospective caregiver, no later than 90 days after the filing of a petition for termination of parental rights.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 775 — Shared Parental Responsibility after Establishment of Paternity

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Benjamin, Hawkins, and others (CS/CS/SB 1146 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Yarborough)

The bill clarifies that after the birth of a child a parent may request a determination of parental responsibility and child support and for the creation of a parenting plan and timesharing schedule pursuant to ch. 61, F.S. Absent such a determination of parental responsibility and child support, a mother retains sole parental responsibility and there is no requirement for timesharing.

The bill requires that any action to establish paternity include a determination of parental responsibility and a parenting plan, establish a timesharing schedule, and child support. The bill attaches determinations of parental responsibility and timesharing to the establishment of paternity for a father under ch. 742, F.S.

The bill also clarifies that an unwed mother and a father who sign a voluntary acknowledgment of paternity or have established paternity through a court judgment are the natural guardians of the child. As such, they are subject to the rights and responsibilities of parents that a married parent would enjoy. If a father has not established paternity, the mother is the natural parent and is entitled to primary residential care and custody of the child.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 114-0

Committee on Children, Families, and Elder Affairs

HB 829 — Operation and Administration of the Baker Act

by Rep. Silvers and others (SB 938 by Senator Davis)

The bill directs the Department of Children and Families (the DCF) to update and publish a Baker Act handbook annually and post the updated handbook on the agency's website every year by October 1. The bill also directs the DCF to maintain a repository of frequently asked questions (FAQs) on the agency's website and continually revise and expand the repository, as necessary.

The bill requires the DCF to inform certain stakeholders of their role in the Baker Act process and support their effective implementation of the Act. The DCF must support and facilitate research conducted by public and private agencies, institutions of higher learning, and hospitals in the interest of the elimination and amelioration of mental illness.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 108-0

Committee on Children, Families, and Elder Affairs

CS/SB 914 — Suicide Prevention

by Rules Committee and Senators Garcia and Book

The bill modifies statutory provisions governing confidentiality for peer support communications between a first responder and a first responder peer. The bill allows certain first responder organizations to designate first responder peers and clarifies that first responder peers include active, volunteer, and retired first responders. This will ensure that all first responder peers can serve their communities with the same protections as peers designated by an employing agency performing the same services, regardless of the entity that designates him or her as a peer. The bill also permits diagnosis of post-traumatic stress disorder in first responders via telehealth for the purposes of obtaining worker's compensation benefits.

The bill renames the Commission on Mental Health and Substance Abuse (the Commission), adjunct to the Department of Children and Families, as the Commission on Mental Health and Substance Use Disorder, and adds a representative of the statewide Florida 211 network appointed by the Governor to the Commission membership. The bill also directs the Commission to conduct a study examining the following services and programs relating to suicide prevention:

- The 988 Suicide and Crisis Lifeline system (the 988 system);
- Crisis response services;
- Strategies to improve linkages between the 988 system infrastructure and crisis response services;
- Available mental health block grant funds;
- Funding sources available through Medicaid; and
- Strategies to ensure that managing entities work with community stakeholders in furtherance of supporting the 988 system and other crisis response services.

The bill also requires the Commission to evaluate and make recommendations regarding skills-based training that teaches participants about mental health and substance use disorder issues, including, but not limited to, Mental Health First Aid models.

The bill extends the statutory repeal date of the Commission from September 1, 2023, to September 1, 2026. The bill requires the Commission to submit interim reports, beginning January 1, 2023, annually thereafter through January 1, 2025, and a final report due September 1, 2026, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill requires the Commission to include the findings of the suicide prevention study in the final report due September 1, 2026.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1045 — Certified Peer Specialist Gateway Pilot Program

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Hart, Jacques, and others (CS/CS/SB 1012 by Fiscal Policy Committee; Children, Families, and Elder Affairs Committee; and Senator Rouson)

The bill creates the Certified Peer Specialist Gateway Pilot Program (Program) within the Department of Corrections (the DOC). The bill explains the purpose of the Program and specifies that the Program will be used to recruit and enroll qualified graduates of the Program into approved certified peer specialist training programs. The Program will provide the training and on-the-job experience required for peer specialist certification, assist in completion of exams required to become a certified peer specialist, and will assist participants in obtaining employment upon release.

The bill allows inmates at participating facilities to apply to participate in the Program. The bill directs the DOC to develop criteria for selecting qualified applicants for the Program, which may include, but is not limited to, requiring that participants:

- Have the appropriate custody classification;
- Meet certain discipline criteria;
- Have an expected release date within a specified timeframe;
- Be housed at the institution providing training;
- Have served as a positive role model during their incarceration;
- Express a desire to work in the behavioral health treatment field after release; and
- Have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has been sealed or expunged for, any offense that would prohibit them from becoming a certified peer specialist under s. 397.417(4)(e), F.S.

The bill specifies that the Program will assist those that complete the Program in obtaining employment upon release by aiding potential employers to obtain bonds from the U.S. Department of Labor, if applicable, or offering funding for initial hiring and retention costs dependent on securing grant funds.

The bill requires that after a person who has completed the pilot program's requirements has been released, he or she must provide each prospective employer with a copy of his or her incarceration record before the employer may hire the person. The person must also receive a signed informed consent form from any potential client seeking treatment from him or her.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/SB 1064 — Children Removed from Caregivers

by Fiscal Policy Committee; Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Yarborough

The bill amends s. 39.523, F.S., to integrate a trauma screening into the assessment of a child removed from his or her home.

The bill adds to findings and intent that the timely identification of and response to acute presentation of symptoms indicative of trauma can reduce adverse outcomes for a child, aid in the identification of services to enhance initial placement stability and of supports to caregivers, and reduce placement disruption.

The bill adds a requirement for the Department of Children and Families (DCF) to adopt rules that require the DCF or community-based care lead agency to conduct a trauma screening as soon as practicable after a child's removal but no later than 21 days after the shelter hearing. The bill also requires any indicated trauma assessment, services, or interventions to be provided within 30 days of the shelter hearing. To the extent possible, the screening, assessment, services, or intervention must be integrated into the child's overall behavioral health treatment planning and services.

The bill further requires the DCF or the CBC to provide information and support to a caregiver of a child placed out-of-home to help that caregiver respond to and care for the child in a trauma-informed and therapeutic manner. Support and information may include but need not be limited to, consultation, coaching, training, and referral.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 114-2

Committee on Children, Families, and Elder Affairs

HB 1087 — Child Support

by Rep. Caruso and others (CS/SB 536 by Children, Families, and Elder Affairs Committee and Senator Garcia)

The bill makes numerous changes to the Child Support Program, which is administered by the Department of Revenue (DOR), Florida's Title IV-D agency. As the state's Title IV-D agency, the DOR is responsible for collecting and enforcing child support. To receive services from the Child Support Program, families either complete an application for services, or are automatically referred because a parent is receiving cash or food assistance.

The bill makes the following changes to the Child Support Program:

- Amends the definition of 'depository' to clarify that the depository required by statute is established by the clerk of the circuit court;
- Expands the circumstances when a payment agreement with a deferred start date may be used to include when an obligor is making a good faith effort to participate in job training;
- Removes existing exceptions to the federal prohibition on treating involuntary incarceration as voluntary unemployment when establishing or modifying a support order;
- Authorizes the DOR to commence an administrative proceeding to determine paternity or paternity and child support based on an affidavit or written declaration completed by a nonparent caregiver of the child who has knowledge of the child's paternity;
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the account;
- Resolves inconsistent statutory provisions concerning the amount of the allocation for operations and maintenance of the Clerk of Court Child Support Collection System (CLERC) system by reorganizing statutes to reflect the current, more efficient practice for collecting, retaining, distributing, accounting for and reporting clerk fees in private child support cases; and
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the accounts. The clerk must apply credit in the amount indicated by a record from another state's Title IV-D agency or court that is provided to the clerk by the DOR and that documents collections made or received by the other state.

If approved by the Governor, these provisions take effect July 1, 2023, with the exception of section 4 of the bill, related to nonpayment due to incarceration, which shall take effect upon becoming a law.
Vote: Senate 38-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/SB 1190 — Step into Success Workforce Education and Internship Pilot Program

by Children, Families, and Elder Affairs Committee and Senators Garcia, Osgood, Perry, and Rouson

The bill creates s. 409.1455, F.S., cited as the "Step into Success Act," establishing the Step into Success Workforce Education and Internship Program (program) as a three-year pilot administered by the Department of Children and Families' (DCF) Office of Continuing Care (OCC). The purpose of the program is to assist foster youth transitioning to adulthood to:

- Develop essential workforce and professional skills;
- Transition from the custody of the DCF to independent living; and
- Become best prepared for an independent and successful future.

The program must consist of an independent living professionalism and workforce education component and, for youth that complete that component, an onsite workforce training internship component that uses employees of participating organizations as mentors. The bill details numerous requirements for the operation of each component of the program as well as for participating organizations, mentors, and foster and former foster youth who participate. Some of the specific requirements are:

- The program is available to foster and former foster youth between the ages of 16 and 25 who are currently or were previously in foster care. A foster youth may participate in the education component at age 16 years of age or older, but may not begin the internship portion until turning 18 years of age.
- The internship component matches mentors in participating organizations with participating youth and are provided a $1,200 per year payment with a limitation on the number of interns a mentor may be paired with in a given year.
- The DCF is required to include specific information about the program and recommendations for improvement in an annual report.

The bill provides a monthly financial assistance payment of $1,517 to former foster youth participating in the internship component and ensures that the payment does not count toward income in the determination of federal and state benefit eligibility. Further, the bill provides a specified increase in the stipend payment amount if the youth does have a loss or reduction of any benefits.

The bill also requires the Board of Governors and State Board of Education to adopt rules and regulations to award postsecondary credit or career education clock hours to program participants.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Children, Families, and Elder Affairs

SB 1210 — Public Records/Human Trafficking Victims

by Senator Burgess

The bill creates a new exemption from public records disclosure under s. 119.07(1), F.S., and Art. I, s. 246(a), State Constitution for any petition filed by a human trafficking victim to expunge a criminal history record and all pleadings and documents related to the petition.

The bill makes findings that the new exemption from public records disclosure is a public necessity as required by the State Constitution.

The exemption in the bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2028 in accordance with s. 119.15, F.S., unless the Legislature reviews and renews the exemptions before that date.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/HB 1275 — Persons with Disabilities Registry

by Health and Human Services Committee and Rep. Plasencia and others (CS/SB 784 by Criminal Justice Committee and Senator Burgess)

The bill, known as the "Protect Our Loved Ones" Act, authorizes a local law enforcement agency to develop and maintain a database, known as a "Persons with Disabilities Registry," of persons who may have certain developmental, psychological, or other disabilities or conditions, including but not limited to, autism spectrum disorder, Alzheimer's disease or a related dementia disorder, and Down syndrome, that may be relevant to interactions with law enforcement.

An adult with a disability may enroll himself or herself in a registry. If a person with a disability has been declared incapacitated, a parent or legal guardian of the person may enroll him or her in a registry. Parents and guardians may voluntarily enroll minors and incapacitated individuals in the registry. The registry may include:

- An enrollee's demographic and contact information, and information related to the enrollee's disability or condition;
- Contact information of persons who have enrolled individuals on the registry; and
- Certification of the disability or condition.

Confirmation of a disability or condition must be certified by a licensed physician or licensed physician assistant or a licensed advanced practice registered nurse. Confirmation of a psychological condition must be certified by a licensed psychologist, licensed mental health counselor, or a psychiatrist.

The bill requires that proof of parentage, guardianship, or other legal authority be provided to local law enforcement at the time of registration of a minor or ward, which may include, but need not be limited to, proof of parentage or guardianship, as applicable:

- A birth certificate as described in s. 382.013, F.S.;
- A power of attorney, as defined in s. 709.2102(9), F.S.;
- A court order establishing parental rights or guardianship; or
- Letters of guardianship as described in s. 744.345, F.S.

An incapacitated adult enrolled onto the registry by another person must be notified of that enrollment by the local law enforcement agency in writing at his or her address of record within five business days after such enrollment. A minor enrolled onto the registry must be notified of that enrollment by the local law enforcement agency in writing at his or her address of record within five business days after his or her 18th birthday.

A registration is valid until the person is removed from the registry. A minor or an incapacitated individual may be removed from the registry by his or her parent or legal guardian. A competent person who is 18 years old may remove himself or herself from the registry. A competent person who has reached 18 years of age may also choose to have his or her name removed from the registry. Upon a verbal or written request for removal of a person from the registry, a local law

enforcement agency must remove an individual's information from the registry within five business days after the request is made.

The bill authorizes local law enforcement agencies to provide information from the registry to law enforcement officers to assist in performance of their official duties.

The information provided to law enforcement officers under the bill may assist officers in their official duties by preparing them to respectfully and appropriately interact with an individual enrolled in the registry who has a relevant disability or condition.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect January 1, 2024.
Vote: Senate 35-2; House 115-0

Committee on Children, Families, and Elder Affairs

CS/HB 1277 — Public Records/Persons with Disabilities Registry

by Health and Human Services Committee and Rep. Plasencia (CS/SB 786 by Children, Families, and Elder Affairs Committee and Senator Burgess)

The bill creates an exemption from the public records requirements of s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution for the following information relating to the enrollment of individuals on the Persons with Disabilities Registry:

- Records;
- Data;
- Information;
- Correspondence; and
- Communications.

The bill also applies the exemption to any locally maintained registry that is substantially similar to the Persons with Disabilities Registry and that is held by a local law enforcement agency before, on, or after the effective date of the bill.

The bill specifies that such information may be disclosed upon a showing of good cause before a court of competent jurisdiction, or in furtherance of the official duties and responsibilities of the agency holding the information, to:

- A law enforcement agency;
- A county emergency management agency;
- A local fire department; or
- Another local, state, or federal agency.

The bill requires the entities or persons receiving such information to maintain the exempt status of the information. The bill also provides for an Open Government Sunset Review, and contains a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect on the same date that HB 1275 or similar legislation takes effect.
Vote: Senate 38-0; House 114-0

Committee on Children, Families, and Elder Affairs

CS/SB 1278 — Direct-support Organizations

by Children, Families, and Elder Affairs Committee and Senators Simon and Rouson

The bill authorizes the Department of Children and Families (DCF) to create a Direct Support Organization (DSO) for the purpose of supporting the DCF in carrying out its purposes and responsibilities. Specifically, the bill:

- Details the requirements of and certain purposes for which to operate the DSO under written contract with the DCF.
- Provides for the use of certain property and services of the DCF by the DSO.
- Requires the Secretary of the DCF to appoint the board of directors according to the DSO's bylaws.
- Requires the DCF to adopt rules to operate the DSO.
- Allows the DSO to collect, expend, and provide funds for certain purposes and provide an annual financial audit in accordance with s. 215.981, F.S.
- Provides that the DSO is repealed on October 1, 2028, unless reviewed and saved from repeal by the Legislature.

The bill also authorizes district school boards to contract with a DSO for personal services or operations. The bill requires a retiree of the Florida Retirement System (FRS) employed to provide services under a contract with the school district to first satisfy the requirements of termination prior to providing such services and is subject to the reemployment restrictions relating to the FRS. The bill increases the threshold of expenditures and expenses that requires a DSO to provide for a financial audit to $250,000 from $100,000 and authorizes district school boards to contract with a vendor for an annual financial audit of a DSO.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 116-0

Committee on Children, Families, and Elder Affairs

CS/HB 1301 — Parenting and Time-sharing of Minor Children

by Judiciary Committee and Rep. Persons-Mulicka and others (CS/CS/SB 1292 by Rules Committee; Children, Families, and Elder Affairs Committee; and Senators Jones and Pizzo)

The bill amends s. 61.13, F.S., related to parenting and time-sharing plans to create a rebuttable presumption that equal time-sharing with minor children is in the best interests of a child and provides that a parent moving to a residence within 50 miles of the primary residence of a child may be considered a substantial and material change in circumstances.

The bill also provides that to rebut the presumption, the party in opposition to equal time-sharing must prove by a preponderance of the evidence that equal time-sharing is not in the best interests of the minor child who is common to the parties.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 34-3; House 105-7

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1322 — Adoption

by Rules Committee; Judiciary Committee; and Senator Grall

The bill provides that a parent's right to intervene in a ch. 39, F.S., dependency proceeding and change the prospective adoptive parents of a dependent child becomes increasingly limited as a dependency case proceeds closer to the termination of the parent's rights. The bill provides legislative findings and intent to reduce the disruption of stable and bonded long-term placements that have been identified as prospective adoptive placements.

The bill limits a dependency-involved parent's ability to execute a valid and binding consent to adoption with an adoption entity to the pendency of the ch. 39, F.S., proceeding up to and including the 30th day after the filing of the petition for termination of parental rights.

The bill creates a rebuttable presumption that a placement is stable and it is in the best interests of a child to remain in that placement if the child has been placed with the prospective adoptive parents for at least 9 continuous months, or 15 of the last 24 months. To rebut the presumption, an intervenor must show by clear and convincing evidence that it is in the best interests of the child to disrupt the current stable placement. The court must make this determination by evaluating the best interest factors enumerated in the statute.

The bill updates the factors a court must consider when making a determination of best interests for a child to align with practice and conform with the substantive changes of the bill.

The bill requires a reasonable time for transition in accordance with a transition plan developed by the DCF and other stakeholders if a change of placement is found to be in the best interests of the child.

The bill makes multiple changes in other sections of ch. 63, F.S., to conform statutes to practice and clean up terminology and citations. Specifically, the bill:

- Amends s. 63.087(3), F.S., to revise the clerk of court's responsibilities in adoption proceedings by requiring the clerk to issue a separate case number and also maintain a court file for a petition for adoption that is separate from the termination of the parental rights file. This strengthens the confidentiality of the adoption proceeding by ensuring that the adoption information is not available to a parent who has had his or her parental rights terminated. To conform with this substantive change, the bill also requires that the petition for adoption include a copy of the original birth certificate of the child before the final hearing is held to terminate parental rights. Currently, there is no requirement for this filing and it will ensure the court is aware of any fathers whose rights may be addressed in the ch. 63, F.S., adoption proceeding.
- Amends s. 63.122(2), F.S., to require notice for an adoption proceeding under ch. 63, F.S., be provided as prescribed by the Florida Family Law Rules of Procedure, not the Florida Rules of Civil Procedure, to conform with current practice.

- Amends s. 63.212(1)(c), F.S., to delete the "medical needs" limiting language referring to certain expenses that are payable to a mother within 6 weeks after the birth of the child. Currently, to pay for certain expenses to a mother for up to 6 weeks after the birth of the child, the law required medical need to require such support.

Finally, the bill creates an unnumbered section of law requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to update a certain report and include an analysis of time to permanency by adoption; provide a general overview of adoptions; conduct a national comparative analysis of state processes that allow private adoption entities to intervene or participate in dependency cases and requires the DCF and licensed child-caring and child-placing agencies to provide OPPAGA with certain data by dates certain. The analysis and report is due to the President of the Senate and Speaker of the House of Representatives by January 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Children, Families, and Elder Affairs

HB 1349 — Mental Health Treatment

by Rep. Melo and others (CS/SB 1412 by Children, Families, and Elder Affairs Committee and Senators Bradley and Davis)

The bill authorizes the Department of Children and Families (DCF) to issue conditional designations for Baker Act receiving and treatment facilities as an alternative to the suspension or withdrawal of a standard facility designation as a result of a violation of licensure requirements. This will result in the facility continuing to be able to operate while taking corrective action to cure the basis of the violation.

The bill also modifies ch. 916, F.S., regarding competency determination, treatment options, and restoration by:

- Requiring local sheriffs or the DCF to administer psychotropic medications to forensic clients in jails prior to their admission to forensic facilities if clinically indicated;
- Requiring expert evaluators and courts to consider alternative, community-based treatment options before ordering the placement of a defendant to a forensic facility;
- Requiring administrators of forensic facilities to provide notification to courts no more than 60 days, rather than six months as in current law, from the time a defendant is competent to proceed or no longer meets commitment criteria;
- Reducing the maximum amount of time patients may wait to be transported from a forensic facility to the committing jurisdiction once they are competent to proceed or no longer meet commitment criteria, from 30 days to 7 days;
- Requiring competency determinations to be made at a competency hearing within 30 days of notification from forensic facilities that patients have gained competency or no longer meet commitment criteria;
- Requiring forensic facilities to transfer defendants back to the committing jurisdiction with up to 30 days of medication and assist in discharge planning with medical teams at the receiving county jail; and
- Reenacting and making conforming changes to several existing sections of statute.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Children, Families, and Elder Affairs

SB 1396 — Department of Elderly Affairs

by Senator Garcia

The bill makes several changes to certain programs operated within the Department of Elder Affairs (DOEA). Specifically, the bill:

- Permits Long-Term Care Ombudsman Program staff employed in the state office of the Program to become certified as ombudsmen;
- Deletes obsolete language relating to the DOEA joining the Background Screening Clearinghouse within the Agency for Health Care Administration (the AHCA), and includes certain persons within the definition of 'direct service provider' who require a level 2 background screening;
- Revises the duties of the executive director of the Office of Public and Professional Guardianship (the OPPG) to include offering and making certain information about alternatives to and types of guardianship available for dissemination by the Area Agencies on Aging and Aging Resource Centers throughout the state;
- Increases the number of continuing education hours of professional guardians from 16 to 30 hours every two years and requires certain additional topics for such training;
- Reorganizes language for clarity and requires the OPPG to notify complainants no later than 10 business days after the OPPG determines that a complaint is not legally sufficient;
- Revises the number of days within which the OPPG must complete and provide any initial investigative findings and recommendations to both the guardian and the complainant from 60 to 45 days;
- Requires the OPPG to provide both the guardian and the complainant with a written statement specifying any finding of a violation of a standard of practice by a professional guardian and any actions taken or specifying that no such violation was found within 10 business days after completing an investigation; and
- Requires the Clerks of the Circuit Court (Clerks) to report sanctions imposed by the court on a professional guardian to the OPPG within a specified time frame.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 110-0

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1517 — Agency for Persons with Disabilities

by Health and Human Services Committee; Children, Families, and Seniors Subcommittee; and Rep. Plakon and others (CS/CS/SB 1594 by Fiscal Policy Committee; Health Policy Committee; and Senators Brodeur and Garcia)

The bill requires adult day training (ADT) programs serving individuals with developmental disabilities to be licensed by the Agency for Persons with Disabilities (APD). The bill also repeals provisions related to comprehensive transitional educational programs (CTEPs), thereby prohibiting the licensure of such facilities in Florida. The bill also modifies the eligibility criteria for, and operation of, Florida's Home and Community-Based Services (HCBS) Medicaid Waiver administered by the APD.

Specifically, the bill:

- Clarifies the definitions of "adult day training";
- Adds a definition for "licensee," which is the same definition as used in s. 408.803(9), F.S., relating to health care licensing by the Agency for Health Care Administration (AHCA) and the same, in part, as used in s. 400.023(2)(a), F.S., relating to nursing homes;
- Requires the licensing and regulation of ADT programs by the APD;
- Allows the APD to deny licenses for residential facilities and ADT programs when there is evidence that the applicant is unqualified due to lack of good moral character;
- Allows the APD to take disciplinary actions due to the noncompliance of ADT programs;
- Clarifies the circumstances for which the APD can take disciplinary action related to verified findings of abuse, neglect, or abandonment of a child or vulnerable adult being served by an APD licensed facility or ADT program;
- Removes obsolete language regarding CTEPs that no longer operate within the state;
- Requires APD-licensed facilities and ADT programs to allow local emergency management agencies to examine the approved emergency management plans and review and approve plans for facilities and programs serving individuals with a complex medical condition;
- Clarifies language that, beginning October 1, 2024, the APD must not authorize funds or services to an unlicensed facility or ADT program that requires a license;
- Clarifies the timeframes within which the APD must process applications for the HCBS Waiver;
- Identifies timeframes for processing an application for crisis waiver enrollment from an applicant who is not currently an APD client;
- Clarifies that eligibility for admissions to Intermediate Care Facilities for the Developmentally Disabled (ICF/DDs) are to be completed by the APD; and
- Clarifies that the level of care criteria for eligibility for the HCBS Waiver program is the same as that required by federal law.

Additionally, the bill requires the APD to convene an interagency workgroup to create a continuum of guidance and information for individuals with developmental disabilities and their

families, including guidance and information across the lifespan of such individuals related to their education, workforce skills, daily living skills, and supportive services for greater independence.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 109-0

Committee on Children, Families, and Elder Affairs

CS/SB 1540 — Elder and Vulnerable Adult Abuse Fatality Review Teams

by Children, Families, and Elder Affairs Committee and Senator Garcia

The bill expands the scope of the existing Elder Abuse Fatality Review Teams to include vulnerable adults and changes the name of such teams to the "Elder and Vulnerable Adult Abuse Fatality Review Teams" (EV-FRTs). The bill provides that the specified purpose of the EV-FRTs is learning how to prevent certain abuse and abuse-related deaths and improve the system response of such instances. The bill also expands the scope of the teams to include incidents which are the result of exploitation and expands the membership. The bill also provides a definition for the terms "vulnerable adult," "disabled adult," and "elderly person."

The bill allows the following persons or entities to initiate an EV-FRT:

- A state attorney;
- A law enforcement agency;
- The Department of Children and Families;
- The Office of the Attorney General; and
- The Agency for Persons with Disabilities.

The bill expands the records that may be reviewed by the team to include open and closed cases from entities other than a state attorney by removing the provision that restricted teams to review only closed cases referred and redacted by a state attorney. The bill also requires EV-FRTs to appoint one co-chair and elect a second co-chair, both serving 2-year terms.

The bill requires all members of an EV-FRT to sign a written acknowledgement stating that members are required to protect from unauthorized disclosure of any confidential and exempt oral or written communications, information, or records produced or acquired by the review team. The bill also requires the written acknowledgement to reference any applicable criminal penalties for disclosing certain information produced or acquired by an EV-FRT.

The bill creates provisions to protect individuals interviewed and information collected by EV-FRTs from being used in a civil or criminal trial or administrative or disciplinary proceeding. However, the bill provides that information, documents, and records otherwise available from other sources are not immune from discovery or introduction into evidence solely because such information was presented to or reviewed by an EV-FRT.

The bill makes conforming changes in the remainder of s. 415.1103, F.S., to align with the changes relating to the scope of the EV-FRTs, and limits the circumstances under which members of a team may directly contact members of a deceased elder's family.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 119-0

Committee on Children, Families, and Elder Affairs

CS/SB 1542 — Public Records/Elder Abuse and Vulnerable Adult Abuse Fatality Review Teams

by Children, Families, and Elder Affairs Committee and Senator Garcia

The bill creates public record and public meeting exemptions related to elder and vulnerable adult fatality review teams (EV-FRTs). Specifically, the bill requires that any information obtained by an EV-FRT for the purposes of conducting a case review which is exempt or confidential and exempt from public records requirements retains its exempt or confidential and exempt status when held by an EV-FRT. The bill also creates a public record exemption for records created or held by an EV-FRT which reveals the identity of a victim, the identity of persons responsible for the welfare of the victim, and such information is confidential and exempt under the bill.

Any information that is maintained as exempt or confidential and exempt within ch. 415, F.S., related to adult protective services, retains its exempt or confidential and exempt status when held by the review team.

The bill creates a public meeting exemption for portions of an EV-FRT meeting in which the identity of the victim, the identity of the person responsible for the welfare of the victim, or otherwise exempt or confidential and exempt information is discussed. Records created by an EV-FRT during such portions of meetings are also exempt from public disclosure.

The bill includes a public necessity statement and states that the public record and public meeting exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless saved from repeal by reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on the same date that SB 1540 or similar legislation takes effect.
Vote: Senate 39-0; House 117-0

Committee on Children, Families, and Elder Affairs

CS/CS/CS/SB 1690 — Sexual Exploitation and Human Trafficking

by Fiscal Policy Committee; Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Ingoglia

The bill requires the Services and Resources Committee of the Statewide Council on Human Trafficking to conduct a study and make recommendations regarding the regulation of adult safe houses. The study must:

- Survey operators of existing adult safe houses regarding operation and certain information.
- Identify and review standards recommended by national organizations or experts specializing in adult safe house service provision or shelter or housing for adult survivors of human trafficking.
- Obtain recommendations from adult survivors of human trafficking and law enforcement agencies regarding regulation of adult safe homes.
- Recommend regulations for adult safe houses in Florida based on, at a minimum, the information obtained by the committee.

The bill requires the DCF to, after the completion of the study, initiate rulemaking to establish minimum standards for certification of adult safe houses to serve survivors of any form of human trafficking, such as labor trafficking and sex trafficking. The rules must include minimum standards regarding certain topics.

After rules are adopted, all adult safe houses must be certified and adult safe houses in operation as of the rules' effective date are granted six months to become certified. Adult safe houses must gain recertification every two years. The DCF must inspect adult safe houses no less than annually to ensure compliance with the requirements. The DCF may subject the adult safe house to disciplinary action, including, but not limited to, requiring a corrective action plan; imposing administrative fines; or denying, suspending, or revoking the certification of the adult safe house.

The bill allows adult safe houses to give the DCF a list of the names of the human trafficking advocates who are employed or who volunteer at the adult safe house who may claim a confidential communication privilege.

The bill also requires the following:

- Age-appropriate educational programming for children to include information regarding the signs and dangers of, and how to report, human trafficking.
- Security for safe houses and safe foster homes to provide for, at a minimum, the detection of possible trafficking activity, coordination with law enforcement, and be part of the emergency response to search for absent or missing children. Appropriate security for a safe house requires either the employment of or a contract with at least one individual with law enforcement, investigative, or similar training or the execution of a contract or memorandum of understanding with a law enforcement agency to perform the security functions.

The bill requires residential treatment centers for children and adolescents under s. 394.875, F.S., and facilities maintained by child-caring agencies under s. 409.175, F.S., to display signs warning youth of the dangers of human trafficking and to encourage the reporting of individuals observed attempting to engage in human trafficking activity.

The bill also shortens the time that a public lodging establishment has to correct training deficiencies from 90 to 45 days and makes the establishment ineligible for any correction period for a second or subsequent violation of the training and awareness requirements if the violation occurred after July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 34-0; House 119-0

Committee on Children, Families, and Elder Affairs

SB 7000 — OGSR/Current and Former Public Guardians

by Children, Families, and Elder Affairs Committee

The bill saves from repeal the current public records exemption in s. 744.21031, F.S., by maintaining certain provisions of the exemption as in current law and narrowing the exemption by allowing certain information that is currently exempt to become available for public disclosure. Specifically, the bill continues the exemptions from public disclosure for certain identifying and location information held by an agency pertaining to:

- Current and former public guardians;
- Employees with fiduciary responsibility; and
- Spouses and children of current and former public guardians and employees with fiduciary responsibility.

The bill expands public access to information by removing the exempt status of photographs of current public guardians. The bill also removes the exempt status of places of employment of current or former public guardians, current or former employees with fiduciary duty, and the spouses and children of such persons.

The public records exemption stands repealed on October 2, 2023, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue exempt status of the information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Criminal Justice

CS/CS/HB 67 — Protection of Specified Personnel

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Gottlieb and others (CS/CS/SB 174 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Polsky and Torres)

The bill amends s. 836.12, F.S., to add justice, judicial assistant, clerk of court, clerk personnel, and a family member of any of these officials or professionals, to the list of persons protected from threats of serious bodily harm or death under s. 836.12(2), F.S. The bill also requires a violation of s. 836.12(2), F.S., to be committed "knowingly and willfully."

The bill creates a new first degree misdemeanor offense in s. 836.12(3), F.S., to prohibit a person from knowingly and willfully harassing a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a judicial assistant, a clerk of court, clerk personnel, or an elected official, with the intent to intimidate or coerce such a person to perform or refrain from performing a lawful duty.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 34-0; House 114-0

Committee on Criminal Justice

CS/HB 95 — Rights of Law Enforcement Officers and Correctional Officers

by Judiciary Committee and Reps. Duggan, Plasencia, and others (CS/CS/SB 618 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Yarborough)

The bill addresses a "Brady identification system," which the bill defines in s. 112.531, F.S., as a list or identification, in whatever form, of the name or names of law enforcement officers or correctional officers (officers) about whom a "prosecuting agency" (defined in s. 112.531, F.S.) is in possession of impeachment evidence as defined by decision, statute, or rule. This system is intended to address *Brady v. Maryland*, 373 U.S. 83 (1963), which involves disclosure to the defense of exculpatory evidence, and cases after *Brady*.

The bill amends s. 112.532, F.S., to prohibit the officer's employing agency from discharging or taking any disciplinary action against the officer solely as a result of a prosecuting agency determining that the officer's name and identification should be included in a Brady identification system. However, the employing agency may discharge or take any disciplinary action against the officer based on the underlying actions of the officer which resulted in the officer's name being included in a Brady identification system. If a collective bargaining agreement applies, the actions taken by the officer's employing agency must conform to the rules and procedures adopted by the collective bargaining agreement.

The bill creates s. 112.536, F.S., which specifies that a prosecuting agency is not required to maintain a Brady identification system. A prosecuting agency may determine that its obligations under *Brady* are better fulfilled through any such procedures that agency otherwise chooses to utilize.

The officer's employing agency shall forward all sustained and finalized internal affairs complaints relevant to impeachment to the prosecuting agency in the circuit where the employing agency is located to assist the prosecuting agency in complying with *Brady* obligations. The employing agency must also notify the officer of these complaints.

A prosecuting agency that maintains a Brady identification system must adopt written policies that, at a minimum, require the following rights:

- With some specified exceptions, receiving written notice, by mail or e-mail, to the officer's current or last known employing agency before or contemporaneously with the officer's name and information being included in a Brady identification system.
- Requesting reconsideration of the officer's inclusion in such system and submitting supporting documents and evidence.

The bill contains procedural requirements when an officer is removed from a Brady identification system and authorizes the officer to petition the court for a writ of mandamus to compel the prosecuting agency to comply with requirements of the bill. It also limits the scope of review to the procedural requirements set forth in the bill.

Finally, the bill specifies that these rights and requirements do not:

- Require a prosecuting agency to give notice to or provide an opportunity for review and input from the officer if the information in a Brady identification system is a criminal conviction that may be used for impeachment or a sustained and finalized internal affairs complaint that may be used for impeachment;
- Limit the duty of a prosecuting agency to produce Brady evidence in all cases as required by law;
- Limit or restrict a prosecuting agency's ability to remove the name and information of an officer from the system if inclusion is no longer proper for identification; or
- Create a private cause of action against a prosecuting agency or its employees, other than the described writ of mandamus.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 93-17

Committee on Criminal Justice

HB 119 — Visiting County and Municipal Detention Facilities

by Rep. Benjamin and others (CS/SB 1510 by Criminal Justice Committee and Senator Pizzo)

The bill creates s. 951.225, F.S., to authorize the following individuals who are elected or appointed to serve the county or municipality in which the county or municipal detention facility is located, to visit such detention facilities at their pleasure:

- Members of the governing body of the county or municipality.
- Members of the Legislature.
- State court judges.
- The state attorney.
- The public defender.
- The regional counsel.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 110-0

Committee on Criminal Justice

CS/SB 164 — Controlled Substance Testing

by Rules Committee and Senators Polsky, Berman, and Book

The bill amends. s. 893.145, F.S., the drug paraphernalia statute, to exclude from the definition of "drug paraphernalia" narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl, fentanyl-related compounds, derivatives, and analogs, and mixtures containing any of these substances. This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Criminal Justice

CS/SB 232 — Exploitation of Vulnerable Persons

by Criminal Justice Committee and Senator Garcia

The bill creates s. 817.5695, F.S., which punishes exploitation of a person 65 years of age or older by:

- Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use, through deception or intimidation, the property of a person 65 years of age or older with the intent to temporarily or permanently:
  - Deprive that person of the use, benefit, or possession of the property; or
  - Benefit someone other than the property owner;
- Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use, through deception or intimidation, the property of a person 65 years of age or older through the intentional modification, alteration, or fraudulent creation of a plan of distribution or disbursement expressed in a will, trust instrument, or other testamentary devise of the person 65 years of age or older; or
- Depriving, endeavoring to deprive, or conspiring with another to deprive, with the intent to defraud and by means of bribery or kickbacks, a person 65 years of age or older of his or her intangible right to honest services provided by an individual who has a legal or fiduciary relationship with such person.

The bill defines "bribe," "deception," "endeavor," "fiduciary relationship," "intimidation," "kickback," "obtains or uses," "property," "services," and "value."

The bill specifies the felony degree of violations based on value of property, etc., involved in the exploitation and amends s. 921.0022, F.S., to rank the felonies in the Criminal Punishment Code offense severity level ranking chart. If the funds, assets, or property involved in the exploitation are valued at:

- $50,000 or more, the offender commits a level 7 first degree felony.
- $10,000 or more, but less than $50,000, the offender commits a level 6 second degree felony.
- Less than $10,000, the offender commits a level 4 third degree felony.

It does not constitute a defense to a prosecution for any violation of this section that the accused did not know the victim's age.

In a criminal action resulting from a violation of s. 817.5695, F.S., the state may move the court to advance a trial on the court's docket. The presiding judge, after consideration of the age and health of the victim, may advance the trial on the docket. The motion may be filed and served with the information of charges at any time thereafter.

A person 65 years of age or older who is in imminent danger of being exploited may petition for an injunction for protection under s. 825.1035, F.S., which currently applies to a vulnerable adult in imminent danger of being "exploited" (i.e., subject to exploitation as defined in s. 825.103(1),

F.S.). A violation of such injunction shall be handled in the same manner, and such violation shall have the same penalties, as provided in s. 825.1036, F.S.

Conforming changes are made to ss. 825.1035 and 825.1036, F.S., to provide additional guidance as used in those sections, and in addition to the definitions provided in ch. 825, F.S., exploitation of a vulnerable adult includes a person 65 years of age or older who is or may be subject to exploitation as described in s. 817.5695, F.S., (exploitation of a person 65 years or older).

Finally, the bill amends s. 775.15, F.S., to provide that if the 5-year time period under s. 775.15(10)(a), F.S., for prosecution of a felony violation of s. 817.5695, F.S., s. 825.102, F.S., (abuse of an elderly person or disabled adult), or s. 825.103, F.S., (exploitation of an elderly person or disabled adult), has expired, a prosecution may nevertheless be commenced for any offense, a material element of which is either fraud or a breach of fiduciary obligation, within 5 years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is not a party to the offense. This change will provide additional time for prosecution of elder abuse and exploitation.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 115-0

Committee on Criminal Justice

CS/CS/HB 269 — Public Nuisances

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Caruso, Fine, and others (CS/SB 994 by Criminal Justice Committee and Senators Calatayud, Perry, Gruters, Rodriguez, and Avila)

The bill (Chapter 2023-24, L.O.F.) amends s. 403.413, F.S., to provide that it is first degree misdemeanor to intentionally dump litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property. However, if such litter contains a credible threat, the violation is a third degree felony.

A "credible threat" has the same meaning as in s. 784.048(1), F.S., which defines the term as a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat.

The bill also creates s. 784.0493, F.S., which provides that it is a first degree misdemeanor to willfully and maliciously harass or intimidate another person based on the person's wearing or displaying of any indicia relating to any religious or ethnic heritage. However, if the violator, in the course of committing the violation, makes a credible threat to the person who is the subject of the harassment or intimidation, the violation is a third degree felony. The bill defines the term "harass."

The bill also amends s. 806.13, F.S., to provide that it is a first degree misdemeanor to knowingly and intentionally display or project, using any medium, an image onto a building, structure, or other property without the written consent of the owner of the building, structure, or property. However, if the image contains a credible threat, the violation is a third degree felony. The bill defines the term "image."

The bill also creates s. 810.098, F.S., which provides that it is a first degree misdemeanor for a person, without being authorized, licensed, or invited to willfully enter the campus of a state university or Florida College System institution for the purpose of threatening or intimidating another person, and is warned by the state university or Florida College System institution to depart and refuses to do so. The bill defines the terms "Florida College System institution" and "state university."

The bill also amends s. 871.01(1), F.S., relating to willfully disturbing a school or assembly of people met for worship of God or any other lawful purpose to:

- Require that a violation of s. 871.01(1), F.S., be both willful and malicious;

- Prohibit a person from willfully and maliciously interrupting or disturbing any school or assembly of people met for the worship of God, any assembly met for the purpose of acknowledging the death of an individual, or any other lawful purpose;
- Increase the penalty for a violation of s. 871.01(1), F.S., from a second degree misdemeanor to a first degree misdemeanor; and
- Provide that a violation of s. 871.01(1), F.S., is a third degree felony if the violator in committing the violation makes a credible threat.

Finally, the bill requires that a violation of any provision of the bill that is reclassified under s. 775.085, F.S., be reported as a hate crime for the purposes of the reporting requirements of s. 877.91, F.S.

These provisions became law upon approval by the Governor on May 1, 2023.
Vote: Senate 40-0; House 112-0

Committee on Criminal Justice

CS/CS/SB 306 — Catalytic Converters

by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Boyd, Hooper, and Stewart

The bill creates s. 860.142, F.S., the "Catalytic Converter Antitheft Act." The bill addresses tampering with and theft of a catalytic converter, a device the bill defines as an emission control device that is designed to be installed and operate in a motor vehicle to convert toxic gases and pollutants in the motor vehicle's exhaust system into less toxic substances via chemical reaction.

The bill provides that a person may not knowingly purchase a detached catalytic converter unless he or she is a registered secondary metals recycler.

The bill requires a registered secondary metals recycler who purchases a detached catalytic converter to comply with recordkeeping requirements and other requirements relevant to the recycler. The recycler is subject to first degree misdemeanor, third degree felony, or second degree felony penalties for noncompliance, depending on the requirement or number of violations.

The bill provides that it is a third degree felony for a person to knowingly possess, purchase, sell, or install a:

- Stolen catalytic converter;
- Catalytic converter that has been removed from a stolen motor vehicle;
- New or detached catalytic converter from which the manufacturer's part identification number, aftermarket identification number, or owner-applied number has been removed, altered, or defaced; or
- Detached catalytic converter without proof of ownership, unless the person is a registered secondary metals recycler, a salvage motor vehicle dealer, or meets criteria for exemption.

The bill provides that proof that a person was in possession of two or more detached catalytic converters, unless satisfactorily explained, gives rise to an inference that the person in possession of the catalytic converters knew or should have known that the catalytic converters may have been stolen or fraudulently obtained.

The bill also creates s. 860.142, F.S., which provides that it is a second degree felony for a person to knowingly import, manufacture, purchase for the purpose of reselling or installing, sell, offer for sale, or install, or reinstall in a motor vehicle a counterfeit catalytic converter, fake catalytic converter, or nonfunctional catalytic converter. The bill defines these terms.

The bill also amends s. 538.26, F.S., to prohibit a secondary metals recycler from processing or removing from the recycler's place of business a detached catalytic converter the recycler has purchased for a period of 10 business days after the date of purchase. This prohibition does not

apply to a purchase from another secondary metals recycler, a salvage motor vehicle dealer, or an exempt person or entity.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 105-2

Committee on Criminal Justice

CS/HB 319 — Interference With Sporting or Entertainment Events

by Criminal Justice Subcommittee and Rep. Yarkosky and others (CS/SB 764 by Criminal Justice Committee and Senator Simon)

The bill creates s. 871.05, F.S., to prohibit certain conduct at a sporting or entertainment event. The bill defines:

- "Covered event" to mean an athletic competition or practice, including one conducted in a public venue or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when a venue is held open to the public for such an event until the end of the athletic competition or performance event.
- "Covered participant" to mean an umpire, officiating crewmember, player, coach, manager, groundskeeper, or any artistic, theatrical, or other performer or sanctioned participant in the covered event. The term includes event operations and security employees working at a covered event.
- "Restricted area" to mean any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on, or adjacent to, the area or performance.

Specifically, a person may not:

- Intentionally touch or strike a covered participant during a covered event against the will of the covered participant, or intentionally cause bodily harm to a covered participant during a covered event; or
- Willfully enter or remain in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area.

A person who violates this section commits a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or by a fine of not more than $2,500.

A person who solicits another person to violate this section by offering money or any other thing of value to another to engage in specific conduct that constitutes such a violation, commits a third degree felony.

A person convicted of a violation of this section may not realize any profit or benefit, directly or indirectly, from committing such a violation. Any profit or benefit payable to or accruing to a person convicted of a violation of this section is subject to seizure and forfeiture as provided in the Florida Contraband Forfeiture Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 109-3.

Committee on Criminal Justice

CS/HB 329 — Electronic Monitoring of Persons Charged with or Convicted of Offenses Involving Schools or Students

by Criminal Justice Subcommittee and Rep. Maggard and others (CS/SB 496 by Criminal Justice Committee and Senator Burgess)

The bill amends s. 907.041, F.S., to provide that when a person is charged with a specified offense alleged to have been committed at or against a school or against a student while he or she is at school, the court must consider whether the pretrial release conditions of electronic monitoring and a prohibition from being within 1,000 feet of any school are appropriate to protect the community from risk of physical harm to persons.

The bill creates s. 948.301, F.S., to provide that when a person placed on probation or community control for a specified offense alleged to have been committed at or against a school or against a student while he or she is at school, the court must consider whether the conditions of electronic monitoring and a prohibition from being within 1,000 feet of any school are appropriate to protect the community from risk of physical harm to persons. This section applies for any probationer or community controllee whose crime was committed on or after October 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 37-0; House 112-0

Committee on Criminal Justice

CS/CS/HB 365 — Controlled Substances

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Plakon and others
(CS/CS/CS/SB 280 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Brodeur)

The bill amends s. 782.04, F.S., to revise the causation requirement for the first degree murder offense relating to death from unlawful distribution by a person 18 years of age of a specified controlled substance or mixture. As revised, the unlawful distribution occurs when the specified controlled substance is proven to have caused, or is proven to have been a substantial factor in producing, the death of the user. The bill defines "substantial factor" as the use of the substance or mixture alone is sufficient to cause death, regardless of whether any other substance or mixture used is also sufficient to cause death. The "substantial factor" test replaces the "proximate cause" test which required that the controlled substance be the proximate cause of the death of the user.

A person commits third degree murder if he or she unlawfully kills a human being, without any design to effect death, while perpetrating or attempting to perpetrate any felony other than a felony listed in s. 782.04(4), F.S. The unlawful distribution offense previously described is listed in this subsection. The bill makes conforming changes to the description of the offense. As such, a person who causes another's death by distributing one of these controlled substances cannot be prosecuted for third degree murder because he or she can already be prosecuted for first degree murder.

The bill creates s. 893.131, F.S., to make it a second degree felony or a first degree felony (second or subsequent offense) for an adult to unlawfully distribute heroin, fentanyl, a specified fentanyl-related substance, an analog of any of these substances, or mixture containing any of these substances or its analog, when such substance or mixture is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the user. The bill defines "distribute," "overdose or serious bodily injury," and other relevant terms. The bill also amends s. 932.0022, F.S., to rank the second degree felony in level 6 of the Criminal Punishment Code offense severity ranking chart.

Section 893.131, F.S., also does the following:

- Provides that the administration of medical care by an emergency responder, including, but not limited to, a law enforcement officer, a paramedic, or an emergency medical technician is prima facie evidence that the person receiving medical care experienced an overdose or serious bodily injury.
- Provides that a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or drug-related overdose and receives medical assistance, or a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or drug-related overdose, is afforded the protections provided under s. 893.21, F.S., which, currently provides that a

person seeking such medical assistance may not be arrested, charged, prosecuted, or penalized for drug possession or use or possession of drug paraphernalia.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 31-6; House 85-28

Committee on Criminal Justice

CS/CS/SB 376 — Automatic Sealing of Criminal History Records and Making Confidential and Exempt Related Court Records

by Rules Committee; Criminal Justice Committee; and Senators Burgess and Perry

The bill amends s. 943.0595, F.S., to provide that a criminal history record is eligible for automatic sealing when an indictment, information, or other charging document was dismissed *as to all counts*, or a not guilty verdict or judgment of acquittal was rendered *as to all counts*.

Additionally, the bill requires the Florida Department of Law Enforcement, to notify the clerk upon the sealing of a criminal history record. Upon such notification the clerk must automatically keep the related court record in the case giving rise to the department's sealing of the criminal history record confidential and exempt from s. 119.071(1), F.S., and Art. I, s. 24(a), State Constitution.

Making such a criminal history record confidential and exempt has the same effect and the clerk of the court may disclose such a record in the same manner as a record sealed under s. 943.059, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-1

Committee on Criminal Justice

CS/SB 384 — Violent Offenses Committed Against Criminal Defense Attorneys

by Criminal Justice Committee and Senators Bradley and Martin

The bill amends s. 775.0823, F.S., to provide for enhanced punishment for certain violent offenses committed against a public defender or a regional counsel acting in his or her capacity as defense counsel or against a court-appointed counsel or a defense attorney in a criminal proceeding acting in his or her capacity as defense counsel.

These professionals are added to a list of criminal justice professionals in s. 775.0823, F.S. The following sentence point multiplier in s. 921.0024(1)(b), F.S., of the Criminal Punishment Code must be applied when the violent offense is committed against a listed criminal justice professional when such offense arises out of or in the scope of the professional's official duties:

- Multiplier of 2.5 for:
  - Attempted first degree murder;
  - Attempted felony murder; and
  - Second degree murder.
- Multiplier of 2.0 for:
  - Attempted second degree murder;
  - Third degree murder;
  - Attempted third degree murder;
  - Manslaughter committed during the commission of a crime; and
  - Kidnapping under s. 787.01, F.S.
- Multiplier of 1.5 for:
  - Aggravated battery under s. 784.045, F.S.; and
  - Aggravated assault under s. 784.021, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 109-0

Committee on Criminal Justice

CS/HB 431 — Solicitation of Minors to Commit Lewd or Lascivious Act

by Criminal Justice Subcommittee and Reps. Baker, Daniels, and others (CS/SB 486 by Criminal Justice Committee and Senators Bradley and Martin)

The bill creates s. 794.053, F.S., to provide that a person 24 years of age or older who solicits a person who is 16 or 17 years of age in writing to commit a lewd and lascivious act commits a third degree felony.

The bill amends s. 921.0022, F.S., ranking the offense of lewd or lascivious solicitation on the offense severity ranking chart of the Criminal Punishment Code as a level 3 offense.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 112-0

Committee on Criminal Justice

CS/CS/SB 450 — Death Penalty

by Rules Committee; Criminal Justice Committee; and Senators Ingoglia and Martin

The bill (Chapter 2023-23, L.O.F.) amends ss. 921.141 and 921.142, F.S., to clarify the judge and the jury's role in the determination of a sentence of life or death.

Specifically, the bill amends ss. 921.141 and 921.142, F.S., by:

- Deleting the current requirement that a jury must unanimously recommend a sentence of death and providing that if at least 8 jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of death.
- Providing that if fewer than 8 jurors vote to recommend a sentence of death, the jury's sentencing recommendation must be for life without the possibility of parole and the court is bound by that recommendation.
- Providing that if the jury recommends a sentence of death, the court has the discretion to impose the recommended sentence of death, or a sentence of life imprisonment without the possibility of parole.
- Specifying that a sentence of death may only be imposed if the jury unanimously finds at least one aggravating factor beyond a reasonable doubt.
- Indicating that the court must enter a written order whether the sentence is for death or for life without the possibility of parole and the court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.

These provisions became law upon approval by the Governor on April 20, 2023.
Vote: Senate 29-10; House 80-30

Committee on Criminal Justice

CS/HB 537 — Custody and Supervision of Specified Offenders

by Criminal Justice Subcommittee and Rep. Silvers (CS/SB 528 by Criminal Justice Committee and Senators Davis and Book)

The bill amends s. 794.011, F.S., to prohibit basic gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery on or after July 1, 2023.

The bill amends s. 944.275, F.S., to prohibit incentive gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit the following offenses committed on or after July 1, 2023:

- Section 782.04(1)(a)2.c., F.S., Unlawful killing of a human being when committed by a person engaged in the perpetration of, or in the attempt to perpetrate sexual battery.
- Section 787.01(3)(a)2. or 3., F.S., Kidnapping of a child under the age of 13, and in the course of committing the offense, commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 787.02(3)(a)2. or 3., F.S., False imprisonment of a child under the age of 13, and in the course of committing the offense commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 794.011, F.S., Sexual battery, excluding subsection (10).
- Section 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 825.1025, F.S., Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.

The bill amends s. 948.05, F.S., to prohibit reduction in the term of supervision for probationers or offenders in community control who are placed under supervision for committing or attempting, soliciting, or conspiring to commit a violation of any offense listed in the sexual offender or sexual predator registration statutes, or who qualify as a violent felony offender of special concern.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation or community control in addition to all other conditions imposed for offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit the following sexual offenses:

- Section 787.06(3)(b), (d), (f), or (g), F.S., Human Trafficking.
- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.

- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation and community control for offenders who are placed on sex offender probation for attempting, soliciting, or conspiring to commit the above listed sexual offenses on or after July 1, 2023.

Additionally, the bill requires the court to impose electronic monitoring for offenders who are placed on probation or community control on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses. The court must order electronic monitoring for the following offenses when the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older:

- Chapter 794, F.S., Sexual Battery.
- Section 800.04(4), (5), or (6), F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill also requires the court to impose a condition prohibiting an offender who is placed on probation or community control for attempting, soliciting, or conspiring to commit certain sexual offenses on or after July 1, 2023, from viewing, accessing, owning, or possessing any obscene pornographic or sexually stimulating material. The court must order such condition for the following offenses:

- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 99-4

Committee on Criminal Justice

CS/HB 543 — Public Safety

by Judiciary Committee and Reps. Brannan, Payne, and others (CS/SB 150 by Fiscal Policy Committee and Senators Collins, Gruters, Martin, and Hooper)

The bill (Chapter 2023-18, L.O.F.) addresses public safety in two ways. First, the bill provides that persons who wish to carry a concealed weapon or concealed firearm, without obtaining and maintaining a concealed weapon or concealed firearm license from the Department of Agriculture and Consumer Services (DACS) may lawfully do so, if they meet certain criteria. Second, the bill amends various sections of law relating to school safety and creates the Florida Safe Schools Canine Program.

Firearms and Concealed Carry

The bill substantially amends s. 790.01, F.S., to provide that a person is *authorized* to carry a concealed weapon or concealed firearm if he or she is licensed, or is not licensed but otherwise satisfies the criteria for receiving and maintaining such a license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

The bill further amends s. 790.01, F.S., by providing that in a prosecution for the unlawful carrying of a concealed weapon or concealed firearm, the state bears the burden of proving, as an element of the offense, both that a person is not licensed under s. 790.06, F.S., and that he or she is ineligible to receive and maintain such a license under the criteria listed in s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

The bill creates s. 790.013, F.S., and amends s. 790.06, F.S., to provide the same requirements for the carrying and display of identification for licensed and authorized concealed weapon or concealed firearm carriers. A violation of these provisions is a noncriminal violation, punishable by a $25 fine.

Additionally, s. 790.013, F.S., provides that a person who is authorized to carry a concealed weapon or concealed firearm without a license is subject to s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm. Section 790.06(12), F.S., provides that a concealed weapon or concealed firearm license does not authorize a person to carry a weapon or firearm in a concealed manner into specified locations.

The bill amends s. 790.053, F.S., the prohibition against openly carrying a firearm, to provide that it is not a violation for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

The bill amends s. 790.115(2), F.S., to provide the same penalty for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, when such person willfully and knowingly possesses a weapon or firearm at a school-sponsored event

or on the property of any school, school bus, or school bus stop. The penalty for such violation is a second degree misdemeanor.

Additionally, the bill amends s. 790.015, F.S., to allow a nonresident, who does not have a concealed weapon or concealed firearm license issued by his or her state, to carry concealed in Florida if he or she satisfies specified criteria in s. 790.06, F.S. The bill also removes the provision that limits recognition of other states' concealed weapon or concealed firearm licenses to states that honor Florida-issued licenses.

The bill amends s. 790.25, F.S., to clarify that a person may carry a concealed weapon or concealed firearm on his or her person while in a private conveyance if he or she is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1), F.S.

The bill repeals s. 790.145, F.S., which prohibits possession of a concealed firearm or a destructive device within the premises of a pharmacy.

The bill makes numerous technical and conforming changes to existing statutes relating to carrying a concealed weapon or concealed firearm.

School Safety

Guardians

The bill amends s. 1002.42, F.S., to provide that a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers. Safe-school officers are established or assigned for the protection and safety of school personnel, property, students, and visitors of a school. School guardians are considered one type of school-safe officer. A private school that establishes a safe-school officer must comply with the requirements of s. 1006.12, F.S.

Currently, only public and charter schools may establish guardian programs. The bill amends s. 30.15, F.S., to add private schools to the entities that may request the sheriff in the school's county to establish a guardian program for the purpose of training the private school employees. A person who completes the necessary training may serve as a school guardian for a private school only if he or she is appointed by the private school head of school. The name of the guardian program is changed to the Chris Hixson, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.

The bill provides that the training required for the guardian program is a standardized statewide curriculum. A school guardian who has completed the required training program may not be required to attend another sheriff's training program unless there has been at least a one year break in his or her employment as a guardian.

The bill further amends s. 30.15, F.S., to increase the hours of instruction on active shooter or assailant scenarios to sixteen, rather than eight. Additionally, the number of hours of instruction on legal issues is decreased from twelve to four.

Active Assailant Response Policy

The bill creates s. 943.6873, F.S., to direct each law enforcement agency to create and maintain an active assailant response policy.

The Florida Department of Law Enforcement (FDLE) must make the model active assailant response policy developed by the Marjory Stoneman Douglas High School Public Safety Commission available on its website. Each agency must review the model policy and develop a written active assailant response policy that is consistent with the agency's response capabilities and includes response procedures specifying the command protocol and coordination with other law enforcement agencies.

All sworn personnel of each agency must be trained on the agency's existing active assailant response policy, or must be trained within 180 days after enacting a new or revised policy. Sworn personnel must receive at minimum annual training on the policy.

Office of Safe Schools

The bill amends s. 1001.212, F.S., relating to the Office of Safe Schools (OSS). The bill provides that the OSS must develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal. Such behavioral threat management operational process must be developed to provide guidance on the process and be designed to identify, assess, manage, and monitor potential and real threats to schools. The behavioral threat assessment instrument must be used to evaluate the behavior of students who may pose a threat to the school, school staff, or other students and to coordinate intervention and services for such students. The threat management portal will be used to facilitate the electronic threat assessment reporting and documentation to evaluate the behavior of students who may pose a threat. Such portal will also be used to coordinate intervention and services for such students. All threat management teams must use the statewide behavioral threat management operational process upon its availability.

The bill amends s. 1003.25, F.S., to specify that records including corresponding documentation and any other information required by the Florida-specific behavioral threat assessment instrument which contains the evaluation, intervention, and management of the threat assessment evaluation and intervention services, must be transferred within 3 school days if a student transfers from school to school.

Additionally, the bill specifies that at least one member of the threat management team must be personally familiar with the individual who is the subject of the threat assessment. If no member of the team has such familiarity, an instructional or administrative personnel who is personally

familiar with the individual who is the subject of the threat assessment must consult with the threat management team but not be a participant in the decision-making process.

The Florida-specific behavioral threat assessment must be used by the threat management team when evaluating the behavior of students. The threat management team must prepare a threat assessment report.

The bill amends s. 1006.13, F.S., to specify that each district school board must adopt a policy of zero tolerance that, in part, identifies acts that are required to be reported under the school environmental safety incident reporting pursuant to s. 1006.07(9), F.S.

Florida Safe Schools Canine Program

The bill creates s. 1006.121, F.S., to direct the Department of Education, through the OSS, to establish the Florida Safe Schools Canine Program. This program may designate a person, school, or business entity as a Florida Safe Schools Canine Partner if the person, school, or business entity provides a monetary or in-kind donation to a law enforcement agency to purchase, train, or care for a firearm detection canine.

The bill provides for funds to be appropriated from the General Revenue Fund to multiple agencies.

These provisions were approved by the Governor and take effect July 1, 2023, unless otherwise provided.
Vote: Senate 27-13; House 76-32

Committee on Criminal Justice

CS/HB 605 — Expunction of Criminal History Records

by Criminal Justice Subcommittee and Reps. Smith, Gottlieb, and others (CS/CS/SB 504 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senators Rodriguez and Perry)

The bill amends s. 943.0585, F.S., to permit a person who has had one prior expunction granted for an offense that was committed when he or she was a minor to have another eligible record expunged.

The bill provides that if the prior expunction was for an offense in which the minor was charged as an adult, the person is not eligible for a subsequent expunction. The bill also provides that the record is exempt from the 10 year sealing requirement.

Additionally, the bill specifies that a person is not eligible for expunction if the indictment, information, or other charging document in the case giving rise to the criminal history record was dismissed pursuant to s. 916.145, F.S., or s. 985.19, F.S., which provides statutory guidelines for the dismissal of charges when a defendant is adjudicated incompetent to proceed due to mental illness.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 107-2

Committee on Criminal Justice

CS/HB 667 — Victims of Crime

by Criminal Justice Subcommittee and Reps. Baker, Yarkosky, and others (CS/CS/SB 510 by Rules Committee; Criminal Justice Committee; and Senator Burgess)

The bill amends s. 960.001, F.S., requiring a duty of candor to an alleged victim. The bill requires that each victim must be notified that he or she has the right, if contacted to obtain information relating to a criminal proceeding by an attorney, an investigator, or any other agent acting on behalf of the criminal defendant, to be informed of:

- The person's name and employer; and
- The fact that such person is acting on behalf of the defendant.

The bill amends s. 92.55, F.S., to provide that the court must conduct a hearing to determine whether it is appropriate to take a deposition of a victim of a sexual offense who is under the age of 16. The court must consider specific factors when determining whether the taking of a deposition is appropriate.

The bill provides that if the victim of a sexual offense is under the age of 12, there is a presumption that the taking of the victim's deposition is not appropriate if:

- The state has not filed a notice of intent to seek the death penalty; and
- A forensic interview of the sexual offense victim is available to the defendant.

The bill provides that if the court determines that the taking of the victim's deposition is appropriate, the court may order limitations or other specific conditions including, but not limited to:

- Requiring the defendant to submit questions to the court before the victim's deposition.
- Setting the appropriate place and conditions under which the victim may be deposed.
- Permitting and prohibiting the attendance of any person at the victim's deposition.
- Limiting the duration of the victim's deposition.
- Any other condition the court finds just and appropriate.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 36-4; House 112-0

Committee on Criminal Justice

CS/SB 676 — Level 2 Background Screenings

by Appropriations Committee and Senator Grall

The bill amends s. 435.04, F.S., to require all employees required by law to be screened under Level 2 screening standards in this section and persons with an affiliation with a qualified entity for whom the qualified entity chooses to conduct screening under s. 943.0542, F.S., to undergo a Level 2 security background investigation as a condition of employment or continued employment. This investigation must include a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years. The bill also amends the list of disqualifying offenses to reference aggravated assault, aggravated battery, battery on staff of a detention or commitment facility or on a juvenile probation officer, female genital mutilation, and certain offenses against students by authority figures.

For purposes of background screening, the bill amends s. 435.02, F.S., to provide definitions for "affiliation" and "qualified entity."

The bill amends s. 435.07, F.S., to authorize the head of a qualified entity to grant an exemption to a person otherwise disqualified from employment, subject to the exemption requirements of this section. The bill also specifies when disqualification from affiliation may not be removed. The bill also references a "person with an affiliation" in provisions relevant to the process for seeking an exemption.

The bill amends s. 435.12, F.S. Beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration (AHCA), the Care Provider Background Screening Clearinghouse (Clearinghouse) must allow results of criminal history checks to be shared among qualified entities participating in the Clearinghouse for screening of care providers and other specified persons. Beginning January 1, 2025, or a later date as determined by the AHCA, the AHCA shall review and determine eligibility for all criminal history checks submitted to the Clearinghouse for the Department of Education (DOE). The Clearinghouse shall share eligibility determinations with the DOE and qualified entities.

Effective January 1, 2026, or a later date as determined by the AHCA, a person with a break in service of more than 90 days from a position for which a background screening is conducted by a qualified entity participating in the Clearinghouse must submit to a national screening if the person returns to a position for which screening is required by such entity.

A qualified entity participating in the Clearinghouse must register with the Clearinghouse and maintain the employment or affiliation status of all persons included in the Clearinghouse. The bill specifies dates for reporting initial status and changes in status. The qualified entity must also register with and initiate all criminal history checks through the Clearinghouse before referring an employee or potential employee or a person with a current or potential affiliation with a qualified entity for electronic fingerprint submission to the Florida Department of Law Enforcement (FDLE).

The bill updates the schedule for employees of specified educational entities to be rescreened.

The bill amends s. 943.0438, F.S., to revise background screening requirements for athletic coaches to require these individuals, including managers, to increase the level of background screening from a Level 1 to a Level 2 background screening. The bill also removes the 20 hour minimum work requirement. These changes mean that all youth athletic coaches, assistant coaches, managers, and referees must undergo a Level 2 background screening, regardless of hours worked.

Before January 1, 2026, or a later date as determined by the AHCA, an independent sanctioning authority shall disqualify any person from acting as an athletic coach as provided in s. 435.04, F.S., (Level 2 standards). On or after January 1, 2026, or a later date as determined by the AHCA, an independent sanctioning authority shall not allow any person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04, F.S. However, the authority may allow a disqualified person to act as an athletic coach if the person has successfully completed the exemption for disqualification process under s. 435.07, F.S.

The bill amends s. 943.05, F.S., to require the Criminal Justice Information Program to search arrest fingerprint submissions received from qualified entities participating in the Clearinghouse. Additionally, the FDLE must develop a method for identifying or verifying an individual through automated biometrics for federal approval.

The bill amends s. 943.0542, F.S., to require a qualified entity conducting criminal history checks under s. 943. 0542, F.S., to do the following:

- Require such entity to register with the FDLE before submitting a request for screening under this section.
- Before January 1, 2026, or a later date as determined by the AHCA, submit to the FDLE specified information relevant to a request for background screening. Effective January 1, 2026, the qualified entity registers with the AHCA instead of the FDLE.
- Effective January 1, 2026, or a later date as determined by the AHCA, comply with Level 2 screening requirements in s. 435.12, F.S. All fingerprints must be entered into the Clearinghouse.

Through December 31, 2025, or a later date as determined by the AHCA, all of the following occurs:

- The FDLE provides directly to the qualified entity non-exempt state criminal history records. Effective January 1, 2026, or a later date as determined by the AHCA, the Clearinghouse provides such records only if a person who is a subject of a criminal history record challenges the record.
- The FDLE provides national criminal history data to qualified entities for the purpose of screening employees and volunteers as authorized by written waiver required for submission of a request. Effective January 1, 2026, or a later date as determined by the

AHCA, the Clearinghouse provides such record only if the person requests an exemption from such entity under s. 435.07, F.S.

- The qualified entity making the determination regarding a background screening applies the Level 2 background screening criteria under s. 435.04(2), F.S., to the state and national criminal history record information received from the FDLE for those persons subject to screening. Beginning January 1, 2026, or a later date determined by the AHCA, the AHCA determines the eligibility of the employee or volunteer of a qualified entity.
- The qualified entity, provides written notification to a person of his or her right to obtain a copy of any background screening report, including criminal history records, if any, contained in the report, and the right to challenge the accuracy and completeness of information contained in the report and obtain a determination on its validity before a final determination regarding the person is made by the qualified entity reviewing the information. Effective January 1, 2026, or a later date determined the AHCA, the AHCA is responsible for this process.

The bill amends ss. 1012.315 and 1012.467, F.S. Beginning January 1, 2025, or a later date determined by the AHCA, all of the following occurs:

- The AHCA determines the eligibility of employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program. A person may not be employed in such position if determined to be ineligible based on a security background investigation under s. 435.04(2), F.S.
- The AHCA conducts background screenings under s. 435.12, F.S., to determine the eligibility of noninstructional contractors who are permitted access to school grounds when students are present.
- Background screenings relevant to school districts sharing criminal history information through secured electronic means are conducted though the Clearinghouse under s. 435.12, F.S.

The changes made to s. 435.12, F.S., in the bill must be implemented by January 1, 2025, or a later date as determined by the AHCA.

The bill provides that, for the 2023-2024 fiscal year, the sums of $400,000 in recurring funds from the Health Care Trust Fund and $4 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the AHCA. The effective date of the appropriations section of the bill is July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024, except where otherwise provided.
Vote: Senate 39-0; House 115-0

Committee on Criminal Justice

SB 736 — Controlled Substances

by Senator Brodeur

The bill amends s. 893.03, F.S., to add several nitazene derivatives, which are synthetic opioids, to the list of Schedule I controlled substances, unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration. A person who unlawfully possesses, purchases, sells, manufactures, delivers, or brings into this state these nitazene derivatives may be subject to criminal penalties under s. 893.13, F.S., or s. 893.135, F.S.

The nitazene derivatives include any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations containing a benzimidazole ring with an ethylamine1 substitution at the 1-position and a benzyl ring substitution at the 2-position structure:

- With or without substitution on the benzimidazole ring with alkyl, alkoxy, carboalkoxy, amino, nitro, or aryl groups, or halogens;
- With or without substitution at the ethylamine amino moiety with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system;
- With or without inclusion of the ethylamine amino moiety in a cyclic structure;
- With or without substitution of the benzyl ring; or
- With or without replacement of the benzyl ring with an aromatic ring, including, but not limited to:
  - Butonitazene.
  - Clonitazene.
  - Etodesnitazene.
  - Etonitazene.
  - Flunitazene.
  - Isotodesnitazene.
  - Isotonitazene.
  - Metodesnitazene.
  - Metonitazene.
  - Nitazene.
  - N-Desethyl Etonitazene.
  - N-Desethyl Isotonitazene.
  - N-Piperidino Etonitazene.
  - N-Pyrrolidino Etonitazene.
  - Protonitazene.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 114-0

Committee on Criminal Justice

HB 825 — Assault or Battery on Hospital Personnel

by Rep. Berfield and others (SB 568 by Senators Rodriguez, Hooper, Torres, and Book)

The bill amends s. 784.07, F.S., to reclassify the degree of the offense whenever a person is charged with knowingly committing an assault or battery upon hospital personnel while the hospital personnel is engaged in the lawful performance of his or her duties. The bill defines "hospital personnel" as a health care practitioner as defined in s. 456.001, F.S., an employee, an agent, or a volunteer who is employed, under contract, or otherwise authorized by a hospital, as defined in s. 395.002, F.S., to perform duties directly associated with the care and treatment rendered by any department of a hospital or with the security thereof.

The offenses are reclassified as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony; and
- In the case of aggravated battery, from a second degree felony to a first degree felony.

The reclassification of the offense has the effect of increasing the maximum sentence that may be imposed for the offense and also increasing sentence points under the Criminal Punishment Code, if the offense is a felony.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-1; House 109-0

Committee on Criminal Justice

CS/CS/HB 935 — Chiefs of Police

by Judiciary Committee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Reps. Jacques, Giallombardo, and others (CS/SB 998 by Criminal Justice Committee and Senators Burgess and Perry)

The bill creates s. 166.0494, F.S., which prohibits a municipality from terminating a chief of police without providing the chief written notice of his or her termination.

After the chief of police receives written notice of his or her termination, a municipality must allow the chief to appear at the next regularly scheduled public meeting of the governing body of the municipality and allow the chief to provide a full and complete response to his or her termination.

The bill prohibits an employment contract between a municipality and a chief of police from:

- Waiving or modifying any requirements of the bill; or
- Including a nondisclosure clause that prohibits a chief of police from responding to his or her termination at a public meeting.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Criminal Justice

CS/HB 1047 — Offenses Against Certain Animals

by Judiciary Committee and Reps. Killebrew, Smith, and others (SB 1300 by Senators Burton and Book)

The bill amends s. 843.01, F.S., by creating a new subsection (2) which prohibits a person from knowingly and willfully resisting, obstructing, or opposing a police canine or police horse as defined in s. 843.19(1)(a), F.S., working at the direction of or in tandem with any officer or legally authorized person listed in s. 843.01(1), F.S., by offering or doing violence to the police canine or police horse.

The above offense is a third degree felony and is ranked as a Level 2 in the Offense Severity Ranking Chart (OSRC). Additionally, the bill amends the OSRC to reflect that only s. 843.01(1), F.S., is a Level 5 offense.

The bill amends s. 843.19(3), F.S., to increase the penalty for any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse from a first degree misdemeanor to a third degree felony. The OSRC is amended to rank the offense at a Level 2.

The bill amends s. 843.19(4), F.S., to increase the penalty for a person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties from a second degree misdemeanor to a first degree misdemeanor.

The bill amends the OSRC to increase the ranking for a violation of s. 843.19(2), F.S., which prohibits injuring, disabling, or killing a police canine, fire canine, SAR canine, or police horse. The offense ranking is increased from a Level 3 to a Level 4.

The bill removes the general reference to s. 843.19, F.S., in Level 3 of the OSRC.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Criminal Justice

CS/HB 1105 — Rapid DNA Grant Program

by Judiciary Committee and Rep. Temple and others (CS/SB 1140 by Appropriations Committee on Criminal and Civil Justice and Senator Ingoglia)

The bill creates s. 943.324, F.S., to establish the Rapid DNA Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to county jails or sheriffs' offices to procure Rapid DNA machines and other necessary supplies required to rapidly process DNA samples in support of the statewide DNA database under s. 943.325, F.S.

The bill requires the FDLE to annually award funds specifically appropriated for the grant program to county jails and sheriffs' offices. The FDLE may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds. The total amount of grants awarded may not exceed funding appropriated for the grant program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 111-0

Committee on Criminal Justice

HB 1207 — Operation New Hope

by Rep. Shoaf and others (SB 1198 by Senators Simon and Davis)

The bill authorizes the Department of Corrections, in accordance with s. 944.706, F.S., to contract with Operation New Hope, a nonprofit organization exempt from taxation pursuant to s. 501(c)(3) of the Internal Revenue Code, to provide inmate reentry services, including, but not limited to, counseling, providing information on housing and job placement, money management assistance, and programs that address substance abuse, mental health, and co-occurring conditions.

A contract with Operation New Hope must be authorized by and consistent with funding appropriated in the General Appropriations Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 115-0

Committee on Criminal Justice

CS/CS/HB 1297 — Capital Sexual Battery

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Baker and others (CS/CS/SB 1342 by Rules Committee; Criminal Justice Committee; and Senators Martin and Book)

The bill (Chapter 2023-25, L.O.F.) amends s. 794.011, F.S., to authorize a sentence of death for capital sexual battery offenses. Capital sexual battery occurs when an adult commits sexual battery upon a child less than twelve years of age, or who in an attempt to commit the sexual battery injures the sexual organs of the child. Sexual battery upon a child less than twelve years of age, or attempted sexual battery which causes injury to the sexual organs of the child, committed by a person who is in a position of familial or custodial authority is also a capital offense.

The bill creates s. 921.1425, F.S., to require a court to conduct a separate sentencing proceeding to determine whether a defendant convicted of a capital sexual battery offense should be sentenced to death or life imprisonment. Specifically, the bill provides that:

- The jury must unanimously find at least two aggravating factors beyond a reasonable doubt for the defendant to be eligible for a sentence of death. The bill creates aggravating factors and mitigating circumstances that are customized to a capital sexual battery crime, for the jury's consideration in arriving at a sentencing recommendation.
- If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of life imprisonment without the possibility of parole.
- The court has the discretion to enter a death sentence or a sentence of life imprisonment without the possibility of parole if the jury recommends a sentence of death in the capital sexual battery case.
- The prosecutor must present evidence of two or more aggravating factors before victim impact evidence may be introduced and argued by the prosecutor.
- The court must enter a written sentencing order regardless of the sentence imposed by the court. The order must include the reasons for not accepting the jury's recommended sentence, if applicable.
- The State may appeal if the circuit court fails to comply with the new sentencing procedures for capital sexual battery.

The bill provides legislative findings and intent as follows:

- A person who commits a sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age carries a great risk of death and danger to vulnerable members of this state.
- Such crimes destroy the innocence of a young child and violate all standards of decency held by civilized society.

- *Buford v. State of Florida*, 403 So. 2d 943 (Fla. 1981), was wrongly decided, *Kennedy v. Louisiana*, 554 U.S. 407 (2008), was wrongly decided, and such cases are an egregious infringement of the states' power to punish the most heinous of crimes.
- It is the intent of the Legislature that the procedure set forth in s. 794.011, F.S., shall be followed, and a prosecutor must file a notice, as provided in s. 794.011(2)(a), F.S., if he or she intends to seek the death penalty.

Additionally, the bill amends s. 794.011, F.S., to provide that in capital sexual battery cases, the procedures set forth in s. 921.1425, F.S., must be followed. If the prosecutor intends to seek the death penalty, the prosecutor must give notice to the defendant and file notice with the court and provide a list of the aggravating factors the state intends to prove.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 34-5; House 95-14

Committee on Criminal Justice

CS/HB 1327 — Pub. Rec./Investigative Genetic Genealogy Information and Materials

by Criminal Justice Subcommittee and Rep. Anderson and others (CS/SB 1402 by Governmental Oversight and Accountability Committee and Senator Martin)

The bill provides that investigative genetic genealogy information and materials are made confidential and exempt from public record inspection and copying requirements.

The bill provides that a law enforcement agency may disclose such confidential and exempt information in furtherance of its official duties and responsibilities. Additionally, a law enforcement agency must disclose such confidential and exempt information pursuant to a court order in furtherance of a criminal prosecution.

The exemption must be given retroactive application and must apply to all investigative genetic genealogy materials held by an agency before, on, or after July 1, 2023. Technical terms are defined in the bill.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-1; House 112-0

Committee on Criminal Justice

CS/SB 1332 — Missing Persons

by Criminal Justice Committee and Senator Martin

The bill (Chapter 2023-54, L.O.F.) amends s. 937.021, F.S., which requires law enforcement agencies in the state to adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. The bill requires that the policies include standards for maintaining and clearing computer data of information concerning a missing child or missing adult which is stored in the National Missing and Unidentified Persons System (NamUs), a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States. The standards must require, at a minimum, a monthly review of each case and a determination of whether the case should be maintained in NamUs.

The bill also amends s. 937.021, F.S., to do all of the following:

- Prohibit the removal of a missing child or missing adult entry on the NamUs database based solely on the age of the missing child or missing adult.
- Require a law enforcement agency, within 2 hours after receipt of a report of a missing child from a parent or guardian, the Department of Children and Families (DCF), a community-based care provider, or a sheriff's office providing investigative services for the DCF, to transmit that report for inclusion in the NamUs database.
- Require a law enforcement agency, within 2 hours after receipt of a credible police report that an adult is missing, to transmit the report for inclusion in the NamUs database.

Finally, the bill amends s. 937.022, F.S., which pertains to the Missing Endangered Persons Information Clearinghouse (Clearinghouse), to do all of the following:

- Provide that entry of a law enforcement agency's report regarding a missing child or missing adult younger than 26 years of age into the NamUs database is one of the conditions precedent to submitting the report on the missing child or missing adult to the Clearinghouse.
- Require the law enforcement agency having jurisdiction over a case involving a missing endangered person to, upon locating the child or adult, purge information about the case from the NamUs and notify the Clearinghouse.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 40-0; House 117-0

Committee on Criminal Justice

CS/CS/HB 1359 — Offenses Involving Fentanyl or Fentanyl Analogs

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Abbott and others (CS/CS/CS/SB 1226 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Burgess)

The bill (Chapter 2023-26, L.O.F.) amends s. 893.13, F.S., to provide that it is a first degree felony with a 3-year mandatory minimum term of imprisonment if:

- A person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, fentanyl, a specified fentanyl-related substance, a fentanyl derivative, an analog of any of these substances, or a mixture of any of these substances; and
- The previously described substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:
  - Resembles the trade dress of a consumer food product, branded food product, or logo food product;
  - Incorporates an actual or fake registered trademark, service mark, or copyright;
  - Resembles cereal, candy, a vitamin, a gummy, or a chewable product, such as a gum or gelatin-based product; or
  - Contains a cartoon character imprint.

The bill also amends s. 893.135, F.S., the drug trafficking statute, to provide that it is a first degree felony with a mandatory minimum term of 25 years to life imprisonment and a mandatory fine of $1 million for a person 18 years of age or older to:

- Knowingly sell or deliver to a minor at least 4 grams of fentanyl or a previously described substance, analog, or mixture; and
- The substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the attributes previously described such as resembling cereal or candy.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Criminal Justice

CS/HB 1375 — Battery by Strangulation

by Criminal Justice Subcommittee and Rep. Baker and others (CS/SB 1334 by Criminal Justice Committee and Senator Martin)

The bill creates s. 784.031, F.S., providing that battery by strangulation is a third degree felony. A person commits battery by strangulation if he or she knowingly and intentionally, against the will of another person, impedes the normal breathing or circulation of the blood of that person, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person.

The bill provides an exception for any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.

The offense is ranked as a level 4 offense on the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 111-0

Committee on Criminal Justice

CS/HB 1465 — Firearm and Destructive Device Offenses

by Judiciary Committee and Reps. Garrison, Snyder, and others (CS/SB 1456 by Fiscal Policy Committee and Senator Avila)

The bill (Chapter 2023-87, L.O.F.) expands the scope of the "10-20-Life" statute (s. 775.087, F.S.) to provide for mandatory minimum terms of imprisonment for firearm-related human trafficking, enhances punishment for theft and repeat theft of a firearm, and enhances the detention assessment process and secure detention period for juveniles who unlawfully possess or use firearms.

The bill amends s. 775.087, F.S., to provide for the following mandatory minimum terms of imprisonment for committing human trafficking while possessing or discharging a firearm or other specified weapon:

- 10 years for possession of a firearm;
- 15 years for possession of a semi-automatic/machine gun;
- 20 years for discharge of a firearm (any type); and
- 25 years to life imprisonment for discharge with great bodily injury or death.

The bill amends s. 921.0022, F.S., to increase the Criminal Punishment Code offense severity level ranking (from level 4 to level 6) for theft of a firearm.

The bill amends ss. 812.014 and 921.0022, F.S., to create a level 7 second degree felony for repeat theft of a firearm.

The bill amends s. 790.22, F.S., to increase from 3 days to 5 days the period of secure detention available for a juvenile who unlawfully possesses a firearm, and also increases the secure detention period from 15 days to 21 days for a repeat violation.

The bill amends s. 985.24, F.S., to require that a juvenile's unlawful use of a firearm be considered in all determinations and court orders regarding the use of detention care.

The bill amends s. 985.245, F.S., to require the juvenile risk assessment instrument take into consideration a juvenile's unlawful use of a firearm.

The bill amends s. 985.25, F.S., to require that a juvenile charged with any offense involving possession or use of a firearm be placed in secure detention until the juvenile's detention hearing.

Finally, the bill amends s. 985.26, F.S., to provide that upon good cause (as specified in the statute) being shown to warrant an extension, a court may extend the length of secure detention care for up to an additional 21 days if a juvenile is charged with any offense involving the possession or use of a firearm.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 39-1; House 96-5

Committee on Criminal Justice

CS/SB 1478 — Criminal Sentencing

by Criminal Justice Committee and Senator Simon

The bill amends s. 921.0024, F.S., to prohibit assessment of community sanction violation points under the Criminal Punishment Code in the following manner:

- If the community sanction violation is resolved through the alternative sanctioning program (ASP) under s. 948.06(9), F.S., no points are assessed.
- If a community sanction violation not resolved through the ASP is before the court, no points are assessed for prior violations that were resolved through the ASP.

The bill amends s. 948.06, F.S., to do all of the following:

- Require a probation officer to proceed with the ASP in lieu of filing an affidavit of violation with the court if the probationer or offender on community control is eligible for the ASP and the violation is a low-risk violation as defined in paragraph (9)(b) of this section, unless directed by the court to submit or file an affidavit of violation as provided in this section.
- If the alleged violation is a low-risk violation, require the court, within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, to give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel.
- Require the court to release the probationer or offender without bail if no hearing is held within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, unless the court finds that a hearing was not held in the applicable timeframe due to circumstances attributable to the probationer or offender. If the probationer or offender is released, the court may impose nonmonetary conditions of release.
- For a first or second low-risk violation within the current term of supervision, require (rather than authorize) the probation officer to offer an eligible probationer one or more specified alternative sanctions.
- If the violation is a low-risk violation, require the court to impose the recommended sanction unless it records a finding of specific, identified risk to public safety, in which case it may direct the Department of Corrections to submit a violation report, affidavit, and warrant to the court.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Criminal Justice

CS/HB 1577 — Crime Victim Compensation Claims

by Judiciary Committee and Rep. Alvarez and others (CS/SB 1104 by Appropriations Committee on Criminal and Civil Justice and Senator Wright)

The bill amends s. 960.07, F.S., to extend the time a victim may file a claim for compensation under the Florida Crimes Compensation Act. Specifically, the bill provides that upon a showing that a delay in filing a claim occurred because of a delay in the testing of, or delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation may receive a waiver from the Department of Legal Affairs of any claim filing deadline.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 111-0

Committee on Criminal Justice

CS/CS/CS/HB 1595 — Law Enforcement Operations

by State Affairs Committee; Judiciary Committee; Local Administration, Federal Affairs and Special Districts Subcommittee; and Reps. Yarkosky, Fernandez-Barquin, and others
(CS/SB 1588 by Rules Committee and Senator Burgess)

The bill codifies the powers, duties, and obligations of a sheriff and also revises the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency.

The bill amends s. 30.15, F.S., to:

- Require that there be an elected sheriff in each Florida county and prohibit the transfer of the sheriff's duties to another officer or office.
- Specify that a sheriff has exclusive policing jurisdiction in the unincorporated areas of each county, unless otherwise authorized under state law.
- Prohibit a county's board of county commissioners, or any other county legislative body, from maintaining or establishing a police department or other policing entity in the unincorporated areas of any county.
- Prohibit a county from contracting with or engaging in any manner with an incorporated city's or district's police department to provide any services provided by the sheriff.

The bill also creates s. 125.01015, F.S., to:

- Impose duties on each board of county commissioners to ensure the successful transfer of the exclusive policing responsibility and authority to the sheriff, including, but not limited to, developing and approving a budget, conducting an inventory and audit of all assets (and their associated liabilities), and providing funding for staff, office space, necessary insurance, bank and other accounts, and required surety bonds.
- For a specified period, require a board of county commissioners to provide the sheriff-elect taking office with and require the sheriff-elect to use, not less than the substantially and materially same support services, facilities, office space, and information technology infrastructure provided to county offices or departments performing the duties to be performed by the sheriff-elect upon taking office in the 1-year period before he or she takes office.
- Define "support services."
- Require the county and the sheriff to execute an interlocal agreement addressing the aforementioned requirements and other expenditures.
- Impose duties on a sheriff-elect after the election is certified and before taking office, including, but not limited to, staffing and hiring, establishing bank and other accounts, obtaining all necessary insurance or establishing self-insurance, evaluating the budget and transfer of equipment, and notifying the board of county commissioners of any funding deficiencies.
- Authorize a sheriff-elect to appeal by petition to the Administration Commission unresolved funding deficiencies.

- Require a sheriff, upon taking office, to take receipt or possession of unexecuted writs and court processes, forfeited contraband property, and other specified property, records, and materials.
- Require a sheriff, upon taking office, to assume a contract made between the county and a municipality for the county to provide police services to the municipality.
- Provide a severability clause relevant to the aforementioned duties or requirements imposed on a board of county commissioners and the sheriff.

The bill also amends s. 166.241, F.S., to revise the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency. The bill:

- Authorizes the state attorney for the judicial circuit in which a municipality is located or a member of the governing body to file a petition with the Division of Administrative Hearings to request a hearing to challenge a reduction in the municipal law enforcement agency's proposed operating budget that is more than 5 percent compared to the current fiscal year's approved operating budget.
- Specifies procedures for the administrative hearing and issuance of a final order.
- Provides a non-exclusive list of information the petitioner and affected municipality may present at the administrative hearing.
- Provides that within 15 days after the hearing, the administrative law judge must issue a final order either approving or rejecting the proposed operating budget for the municipal law enforcement agency by determining whether the proposed reduction will impair the law enforcement agency's overall ability to ensure public safety.
- Specifies findings to be made by the administrative law judge.
- Provides that the administrative law judge's final order is appealable pursuant to s. 120.68, F.S., and requires that any such judicial review be sought in the First District Court of Appeal.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 99-7

Committee on Criminal Justice

CS/CS/HB 1627 — Pretrial Release and Detention

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Garrison and others
(CS/SB 1534 by Fiscal Policy Committee and Senators Martin and Powell)

The bill (Chapter 2023-27, L.O.F.) amends s. 903.011, F.S., to:

- Specify that only a judge may set, reduce, or otherwise alter a defendant's bail.
- Require the Florida Supreme Court (FSC) to adopt a uniform statewide bond schedule by January 1, 2024.
- Permit the chief judge of a judicial circuit to petition the FSC for approval of a local bond schedule that sets a lower bond amount than that required by the uniform statewide bond schedule.
- Provide that the chief judge of a judicial circuit may establish a local bond schedule that increases the monetary bond applicable to an offense that is included in the uniform bond schedule.
- Provide circumstances in which a person may not be released before a first appearance hearing.

The bill amends s. 903.047, F.S., to provide that a court must consider the criteria in s. 903.046(2), F.S., when determining whether to impose nonmonetary conditions in addition to or in lieu of monetary bond, and provides a non-exclusive list of nonmonetary conditions that may be imposed.

The bill amends s. 903.0471, F.S., to authorize the court to revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant violated any condition of pretrial release in a material respect.

The bill amends s. 907.041, F.S., to:

- Revise the term "dangerous crime" to include DUI manslaughter and BUI manslaughter and trafficking in fentanyl, a specified fentanyl-related substance, a fentanyl derivative, or an analog or mixture of any of these substances, extortion, and written threats to kill.
- Provide that a person arrested for a dangerous crime may not be granted nonmonetary pretrial release at first appearance if the court has determined there is probable cause to believe the person has committed the offense.
- Provide that if a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion shall motion for pretrial detention.
- Provide that if the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 903.046, F.S., and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial process, the court must order pretrial detention.

- Provide that when a person charged with a crime for which pretrial detention could be ordered is arrested, the arresting agency may detain the defendant prior to his or her first appearance.
- Provide that if a motion for pretrial detention is required, the pretrial detention hearing must be held within 5 days after the defendant's first appearance hearing or, if there is no first appearance hearing, within 5 days after the defendant's arraignment.
- Require that if a defendant is released on bail pending a pretrial detention hearing and the defendant uses a surety bond to meet the monetary component, the court must inform the defendant that he or she will not be entitled to a return of the premium on such surety bond.
- Provide that the rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of evidence at the detention hearing.
- Provide that a party may motion for a pretrial detention order to be reconsidered at any time before a defendant's trial if the judge finds that information exists that was not known to the party moving for reconsideration at the time of the pretrial detention hearing.

These provisions were approved by the Governor and take effect January 1, 2024.
Vote: Senate 36-3; House 83-19

Committee on Criminal Justice

CS/SB 7014 — Juvenile Justice

by Appropriations Committee and Criminal Justice Committee

The bill (Chapter 2023-59, L.O.F.) creates s. 985.619, F.S., to establish the Florida Scholars Academy within the Department of Juvenile Justice (DJJ) developing a single-uniform education system that the DJJ will oversee and provide educational opportunities to students in the DJJ residential commitment programs.

The bill provides that:

- Each residential program site established, authorized, or designated by the DJJ shall be considered a campus of the Florida Scholars Academy.
- The DJJ shall enter into a contractual agreement with an education service provider to operate, provide, or supplement full-time instruction and instructional support services for students to earn a high school diploma or high school equivalency diploma, enroll in a degree program at a Florida college or university, and earn industry-recognized credentials of value.
- The superintendent of the Florida Scholars Academy shall be approved by the Secretary of the DJJ and is responsible for the management and day-to-day operation of the Florida Scholars Academy.
- The Florida Scholars Academy shall be governed by a board of trustees comprised of the Secretary of the DJJ, and four board members appointed by the Governor. The bill outlines the powers and duties of the board.
- Subject to appropriation, funding may be provided for the operational and instructional services for students enrolled in the Florida Scholars Academy. The Florida Scholars Academy may receive all federal funds for which it is eligible.
- The Secretary shall prepare and submit a legislative budget request on behalf of the Florida Scholars Academy as part of the DJJ's legislative budget request. The request of funds may be for operation and fixed capital outlay, in accordance with ch. 216, F.S.
- The credit of the state may not be pledged under any circumstances on behalf of the Florida Scholars Academy.
- The Florida Scholars Academy shall have an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under ch. 473, F.S.

The bill amends s. 20.316, F.S., to provide that the Secretary of Juvenile Justice must oversee the establishment of the Florida Scholars Academy pursuant to s. 985.619, F.S. Additionally, the Secretary must identify the need for and recommend the funding and implementation of career and technical education programs and services.

The bill amends s. 1000.04, F.S., providing that the Florida Scholars Academy is a component of the delivery of public education within Florida's Early Learning-20 education system.

The bill provides that a recurring sum of $12 million is appropriated from the General Revenue Fund to the DJJ for the Florida Scholars Academy.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 39-0; House 118-0

Committee on Criminal Justice

CS/CS/SB 7016 — Department of Corrections

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Criminal Justice Committee

The bill amends s. 944.35, F.S., to provide criminal penalties for any volunteer in or employee of a contractor or subcontractor of the Department of Corrections (DOC) or a private corrections facility who engages in sexual misconduct with an inmate or offender supervised by the DOC. A person who commits this offense commits a third degree felony. The bill defines "volunteer" to mean a person registered with the DOC or a private correctional facility who is engaged in specific voluntary service activities on an ongoing or continual basis.

The bill provides the following exceptions for:

- Any employee, volunteer, contractor or subcontractor, of the department or private correctional facility who is legally married to an inmate or offender under supervision.
- Any employee, volunteer, or employee of a contractor or subcontractor who has no knowledge, and would have no reason to believe, that the person with whom the employee, volunteer, or employee of a contractor or subcontractor has engaged in sexual misconduct is an inmate or offender under supervision.

The bill transfers all power, duties, functions, records, personnel, associated administrative support positions, property, administrative authority, and administrative rules relating to private correctional facilities by a type two transfer, as defined in s. 20.06(2), F.S., from the Department of Management Services (DMS) to the DOC.

The bill provides that the type two transfer shall not affect any existing agreements, bonds, certificates, or other instruments of indebtedness entered into by the DMS and provides provisions related to such undertakings by the DMS.

The bill amends s. 287.042, F.S., to remove the ability of the DMS to enter into contracts for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Criminal Justice

SB 7018 — Inmate Welfare Trust Fund

by Criminal Justice Committee

The bill amends s. 945.215, F.S., to provide that proceeds from additional funding sources must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or the General Revenue Fund. These additional funding sources include:

- Copayments made by inmates for nonemergency visits to a health care provider;
- Any proceeds obtained through the collection of damages; and
- Cost of incarceration liens.

Additionally, the bill increases the maximum amount of funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund from $2.5 million to $32 million.

The bill also authorizes the Department of Corrections (DOC) to expend funds from the Trust Fund to be used at correctional facilities to include fixed capital outlay for educational facilities. Additionally, the DOC is authorized to expend such funds to be used for environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

The bill removes the $100 cap on the weekly amount that inmates can spend for personal use on canteen and vending machine items.

The bill amends s. 945.6037, F.S., to provide that the proceeds of each nonemergency healthcare visit copayment must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or into the General Revenue Fund.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 112-0

Committee on Criminal Justice

HB 7025 — Pub. Rec./Safe School Officers

by Judiciary Committee and Rep. Brannan and others (SB 152 by Senator Collins)

The bill (Chapter 2023-19, L.O.F.) provides that any information that may identify whether a particular individual has been assigned as a safe-school officer pursuant to s. 1006.12, F.S., at a private school and that is held by a law enforcement agency is made exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution.

This exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 29-11; House 107-1

Committee on Criminal Justice

HB 7031 — OGSR/Address of a Victim of an Incident of Mass Violence

by Ethics, Elections and Open Government Subcommittee and Rep. Porras and others (SB 7012 by Criminal Justice Committee)

The bill (Chapter 2023-107, L.O.F.) saves from repeal the public records exemption for the address of a victim of an incident of mass violence. The exemption makes the records exempt from public records inspection and copying requirements. The term "victim" means a person killed or injured during an incident of mass violence, not including the perpetrator. An "incident of mass violence" means an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption contained in s. 119.071(2)(o), F.S., is scheduled to repeal on October 2, 2023. The bill removes the scheduled repeal to continue the exempt status of the information.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 38-0; House 113-0

Committee on Commerce and Tourism

CS/CS/HB 5 — Economic Programs

by Appropriations Committee; Commerce Committee; and Rep. Esposito and others
(CS/CS/CS/SB 1664 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Commerce and Tourism Committee; and Senator Hooper)

The bill eliminates Enterprise Florida, Inc. (EFI), and provides that all duties, functions, records, existing contracts, administrative authority, and unexpended balances of appropriations and allocations relating to the programs in EFI are transferred by a type two transfer to the Department of Commerce, which the bill creates by the renaming of the Department of Economic Opportunity (DEO). Duties related to international trade and development are transferred to a new direct-support organization under the department. The transition must be complete by December 1, 2023. The bill appropriates $5 million in recurring funds from the International Trade and Promotion Trust Fund to the new international trade direct support organization created by the bill; $5 million in recurring funds from the State Economic Enhancement and Development Trust Fund (SEED TF) and 20 FTE to DEO; and $1 million in nonrecurring funds from the SEED TF to DEO to implement the transition (unused funds as of December 31, 2023, revert).

The bill repeals the following obsolete or expired economic development incentive programs: Entertainment Industry Tax Credit; Florida Space Business Incentives Act; qualified defense contractor and space flight business tax refund program; tax refund for qualified target industry (QTI) businesses; Brownfield Redevelopment Bonus Refunds relating to QTI; Economic Gardening Business Loan Pilot Program; Economic Gardening Technical Assistance Pilot Program; Quick Action Closing Fund; Innovation Incentive Program; New Markets Tax Credit; Microfinance Loan Program; Motorsports Entertainment Complex; Golf Hall of Fame; and International Game Fish Association World Center facility. Existing contracts authorized under programs remain in force; new certifications or agreements may not be made.

The bill also renames the department's Division of Strategic Business Development as the Division of Economic Development and eliminates the Film Advisory Council. The bill requires the Florida Sports Foundation (revived, readopted, and amended in the bill) and VISIT Florida to contract with the department as direct-support organizations of the department. The new international trade direct-support organization is required to be governed by a 7-member board of directors, appointed by the Secretary of Commerce, to administer the international officer program, develop international trade and business partnerships, and assist with trade missions and promotion. The organization expires October 1, 2028, unless reviewed and saved from repeal by the Legislature. The bill also saves the Florida Development Finance Corporation from repeal on July 1, 2023.

The bill makes conforming changed to multiple Florida Statutes to update references to or definitions of repealed obsolete programs, incorporate provisions implementing the transfer of duties from EFI to the department or to the new international trade direct-support organization, and make other technical edits. The bill directs the Division of Law Revision to provide

assistance to committees to conform enacted legislation with the changes made by this bill and to prepare a reviser's bill for the 2024 Regular Session to update Florida Statutes to reflect the renaming of the department.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 36-1; House 112-0

Committee on Commerce and Tourism

CS/HB 179 — Florida Kratom Consumer Protection Act

by Regulatory Reform and Economic Development Subcommittee and Rep. Andrade and others (CS/CS/SB 136 by Appropriations Committee on Agriculture, Environment, and General Government; Commerce and Tourism Committee; and Senators Gruters, Stewart, and Perry)

The bill creates the Florida Kratom Consumer Protection Act, which makes it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. A violation is a second degree misdemeanor, punishable by up to 60 days in jail and a fine of up to $500. The Department of Agriculture and Consumer Services must adopt rules to administer the act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 114-0

Committee on Commerce and Tourism

CS/CS/HB 233 — Deceased Individuals

by Constitutional Rights, Rule of Law, and Government Operations Subcommittee; Regulatory Reform and Economic Development Subcommittee; and Rep. Michael and others (CS/CS/SB 490 by Appropriations Committee; Commerce and Tourism Committee; and Senators Jones and Davis)

The bill requires that during the investigation of the death of a minor, the law enforcement agency that initiates or bears the primary responsibility for the investigation must provide the minor's next of kin with the contact information for the primary contact for investigation, the case number, a list of the minor's personal effects found on or with the minor and information on how the minor's next of kin can obtain those personal effects, and information regarding the status of the investigation.

The law enforcement agency is not required to provide any of the above information if doing so would jeopardize or otherwise interfere with an active investigation, or to provide investigative records generated during its investigation to a minor's next of kin.

The bill also prohibits any person that has been arrested for committing an act of domestic violence against the deceased or any act that resulted in or contributed to the death of the deceased from being awarded any legal benefit under the Florida Funeral, Cemetery, and Consumer Services Act.

The act may be cited as "Curtis' Law."

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Commerce and Tourism

CS/CS/SB 262 — Technology Transparency

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

Prohibition on Government-Directed Content Moderation of Social Media Platforms

The bill creates s. 112.23, F.S., to prohibit employees of a governmental entity from using their position or any state resources to communicate with a social media platform to request that it remove content or accounts. Additionally, a governmental entity cannot initiate or maintain any agreements with a social media platform for the purpose of content moderation. These prohibitions do not apply to routine account maintenance, attempts to remove accounts or content pertaining to the commission of a crime, or efforts to prevent imminent bodily harm, loss of life, or property damage. These provisions are effective July 1, 2023.

Protections for Children Online

The bill creates s. 501.1735, F.S., to establish protections for children in online spaces. The bill prohibits an online platform that provides an online service, product, game, or feature likely to be predominantly accessed by children from processing or collecting the personal information of children in the following ways:

- Processing the personal information of any child if the online platform has actual knowledge of or willfully disregards that the processing may result in substantial harm or privacy risk to children;
- Profiling a child unless certain criteria are met;
- Collecting, selling, sharing, or retaining any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged unless the online platform can demonstrate a compelling reason that does not pose a substantial harm or privacy risk;
- Using personal information of a child for any reason other than the reason for which the personal information was collected, unless the online platform can demonstrate a compelling reason that does not pose a substantial harm or privacy risk;
- Collecting, selling, or sharing any precise geolocation data of children unless the collection of the precise geolocation data is strictly necessary and then only for the limited time that the collection of the precise geolocation data is necessary;
- Collecting any precise geolocation data of a child without providing an obvious sign to the child for the duration of the collection that the precise geolocation data is being collected;
- Using dark patterns to lead or encourage children to provide personal information beyond what is reasonably expected to be provided for that online service, product, game, or feature;
- Forgoing privacy protections;
- Taking any action that the online platform has actual knowledge of or willfully disregards that may result in substantial harm or privacy risk to children; and

- Using any personal information collected to estimate age or age range for any other purpose or retain that personal information longer than necessary to estimate age.

The bill provides that a violation of s. 501.1735, F.S., is an unfair and deceptive trade practice actionable under part II of ch. 501, F.S., to be enforced by the Department of Legal Affairs. Additionally, the bill provides that the new provisions in s. 501.1735, F.S., do not establish a private cause of action.

The Florida Digital Bill of Rights

The bill creates ch. 501, part V, F.S., to provide a unified scheme to allow Florida's consumers to control the digital flow of their personal data. Specifically, it gives consumers the right to:

- Confirm and access their personal data;
- Delete, correct, or obtain a copy of that personal data;
- Opt out of the processing of personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of a decision that produces a legal or similarly significant effect concerning a consumer;
- Opt out of the collection or processing of sensitive data, including precise geolocation data; and
- Opt out of the collection of personal data collected through the operation of a voice recognition or facial recognition feature.

The bill defines "targeted advertising" as displaying to a consumer an advertisement selected based on personal data obtained from that consumer's activities over time across affiliated or unaffiliated websites and online applications used to predict the consumer's preferences or interests. However, the term does not include an advertisement that is based on the context of a consumer's current search query on the controller's own website or online application, or an advertisement that is directed to a consumer search query on the controller's own website or online application in response to the consumer's request for information or feedback.

The bill provides that a device that has a voice recognition feature, a facial recognition feature, a video recording feature, an audio recording feature, or any other electronic, visual, thermal, or olfactory feature that collects data may not use those features for the purpose of surveillance when such features are not in active use by the consumer, unless otherwise expressly authorized by the consumer.

The data privacy provisions of the bill generally apply to "controllers," businesses that collect Florida consumers' personal data, make in excess of $1 billion in global gross annual revenues, and meet one of the following thresholds:

- Derives 50 percent or more if its global gross annual revenues from the online sale of advertisements, including from providing targeted advertising or the sale of ads online;
- Operates a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service that uses hands-free verbal activation; or

- Operates an app store or digital distribution platform that offers at least 250,000 different software applications for consumers to download and install.

The bill requires a controller who operates an online search engine to make available an up-to date plain language description of the main parameters that are most significant in determining ranking and the relative importance of those main parameters, including the prioritization or deprioritization of political partisanship or political ideology in search results. A controller must also conduct and document a data protection assessment of certain processing activities involving personal data. Additionally, the bill requires a controller to provide consumers with a reasonably accessible and clear privacy notice, updated at least annually.

The bill requires a controller in possession of deidentified data to do the following:
- Take reasonable measures to ensure that the data cannot be associated with an individual;
- Maintain and use the data in deidentified form;
- Contractually obligate any recipient of the deidentified data to comply with the data privacy provision of the bill; and
- Implement business processes to prevent inadvertent release of deidentified data.

The bill provides that a business organized or operated for the profit or financial benefit of its shareholders or owners, conducting business in Florida, and collecting personal data about consumers, or is the entity on behalf of which such information is collected, may not engage in the sale of personal data that is sensitive data without receiving prior consent from the consumer, or if the sensitive data is of a known child, without processing that data with the affirmative authorization for such processing. Additionally, a person who engages in the sale of personal data that is sensitive data must provide a notice on its website of such potential sale.

The bill provides exemptions for the use of certain data, and provides that certain restrictions on the collection and retention of data for particular purposes is prohibited.

The bill provides that a violation of ch. 501, part V, F.S is an unfair and deceptive trade practice actionable under ch. 501, part II, F.S., to be enforced by the Department of Legal Affairs (DLA). The DLA may provide a right to cure a violation of ch. 501, part V, F.S., by providing written notice of the violation and then allowing a 45-day period to cure the alleged violation. The bill also requires the DLA to make a report publicly available by February 1 each year on the DLA's website that describes any actions it has undertaken to enforce the bill. The bill provides that ch. 501, part V, F.S., does not establish a private cause of action.

The bill amends s. 16.53, F.S., to require all money recovered by the Attorney General for attorney fees, costs, and penalties in an action for a violation of this bill must be deposited in the Legal Affairs Revolving Trust Fund.

Florida Information Protection Act

The bill amends s. 501.171, F.S., to include an individual's biometric data and any information regarding an individual's geolocation in the Florida Information Protection Act's definition of "personal information," so that covered entities are required to notify the affected individual, the Department of Legal Affairs, and credit reporting agencies of a breach of biometric information or geolocation paired with an individual's first name or first initial and last name.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.
Vote: Senate 40-0; House 110-2

Committee on Commerce and Tourism

CS/SB 552 — Public Records/Broadband Opportunity Program

by Commerce and Tourism Committee and Senator Hooper

The bill creates a public record exemption for information relating to communications services locations, project proposals, and challenges submitted to the Department of Economic Opportunity (department) under the Broadband Opportunity Program, or pursuant to a federal broadband access grant program implemented by the department. Under the bill, such information is confidential and exempt from public record requirements if it is not otherwise publicly available and would reveal:

- The location and capacity of communications network facilities;
- Communications network areas, including geographical maps;
- Features, functions, and capabilities of communications network infrastructure and facilities;
- Security, including cybersecurity, of the design, construction, and operation of the communications network and associated services and products;
- Specific customer locations; or
- Sources of funding or in-kind contributions for a project.

The exemption does not apply to the requirement for the department to publish on its website a description of proposed unserved areas to be served and proposed broadband Internet speeds of the areas to be served.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Commerce and Tourism

CS/HB 737 — Secondhand Goods

by Commerce Committee and Reps. Barnaby, Mooney, and others (SB 442 by Senators Gruters, Hooper, and DiCeglie)

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. A secondhand dealer is a person, corporation, or other business organization or entity that is not a secondary metals recycler, engaged in the business of purchasing, consigning, or trading secondhand goods. Secondhand goods are previously owned or used personal property that is purchased, consigned, or traded as used property.

The bill amends the definition of "secondhand goods" to exclude gold bullion, silver bullion, platinum bullion, palladium bullion, or rhodium bullion if such bullion has been assayed and is properly marked as to its weight and fineness.

By excluding the listed kinds of bullions from the definition of "secondhand goods," these items will no longer be regulated as secondhand goods under state law, thus secondhand dealers will no longer be subject to transaction recordkeeping or holding period requirements in connection with them.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 108-1

Committee on Commerce and Tourism

CS/CS/HB 761 — Telephone Solicitation

by Commerce Committee; Civil Justice Subcommittee; and Rep. Fabricio and others (CS/CS/SB 1308 by Rules Committee; Commerce and Tourism Committee; and Senators Yarborough and Rodriguez)

The bill amends s. 501.059, F.S., relating to telephone solicitation to:

- Clarify notice requirements prior to obtaining consent for telephone calls, text messages, or the transmission of prerecorded voicemails, including specifying that the requirements apply to use of an automated system for the selection *and* dialing of telephone numbers.
- Allow the signature needed to establish prior written consent for telephonic sales calls to include an electronic or digital signature, as provided under current law, *or* an act that demonstrates express consent, which includes but is not limited to checking a box indicating consent or responding affirmatively to receiving text messages, to an advertising campaign, or to an e-mail solicitation.
- Provide that a person may not make or knowingly allow to be made *an unsolicited* telephonic sales call if such call involves an automated system for the selection *and* dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called without the prior express written consent of the called party.

The bill provides that prior to commencement of any action for damages for text message solicitations, the called party must reply "STOP" to the number from which the called party received the text, and within 15 days after that request, the solicitor must cease sending text messages. An action for damages may be brought only if the solicitor continues to text 15 days after the request to stop.

The bill specifies that amendments made by this act apply to any suit filed on or after the effective date of the bill, and to any putative class action not certified on or before the effective date.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 29-10; House 99-14

Committee on Commerce and Tourism

SB 892 — State Minimum Wage

by Senator Martin

The bill amends s. 448.110, F.S., the Florida Minimum Wage Act, to incorporate the federal Fair Labor Standards Act (FLSA) "as amended." This will incorporate exemptions from the FLSA's minimum wage requirements that became law after the Florida Legislature adopted the Florida Minimum Wage Act and were therefore not incorporated as part of the Florida act.

The effect of the bill will be to exempt border patrol agents and salaried baseball players from the Florida Minimum Wage Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 86-30

Committee on Commerce and Tourism

CS/SB 946 — Public Records/Department of State Electronically Filed Records

by Governmental Oversight and Accountability Committee and Senator Grall

The bill exempts from public record inspection and copying requirements email addresses collected by the Department of State for the purposes of its electronic filing system. This exemption applies to email addresses collected before, on, and after the effective date of the bill.

The bill also exempts from public record inspection and copying requirements secure login credentials held by the Department of State for the purposes of its electronic filing system. This exemption applies to login credentials held by the DOS before, on, and after the effective date of the bill.

The bill provides that it is in the public necessity to exempt the above information from public record inspection and copy requirements due to the risk of identity theft, financial harm, or other adverse impacts; and that these exemptions will allow for the effective and efficient administration of the Department of State's electronic filing system.

Pursuant to the Open Government Sunset Review Act, the exemptions stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 37-1; House 116-0

Committee on Commerce and Tourism

SB 948 — Records Electronically Filed with the Department of State

by Senator Grall

The bill authorizes the Department of State to implement a password protected system for the electronic filing of certain records. The Department of State may request that those using the password protected system verify their identity and credentials.

If the password protected system is implemented, the bill requires the Department of State to send each e-mail address on file with the Division of Corporations a digital code to participate in the system.

If approved by the Governor, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 116-0

Committee on Commerce and Tourism

CS/SB 978 — Secured Transactions

by Community Affairs Committee and Senator Bradley

The bill requires that in order to pledge an asset as collateral for the purposes of a security agreement, accounts and other entitlements must be described by specific reference to the individual asset. Describing collateral as "all assets" is no longer legally sufficient.

The assets further protected by the bill include life insurance policies, cash surrender value of life insurance policies and annuity contracts; wages or reemployment assistance or unemployment compensation payments due deceased employees; disability income benefits; certain payments protected by the federal Bankruptcy Reform Act of 1978; pension money and tax exempt retirement accounts; and assets in qualified tuition programs, medical savings accounts, Coverdell education savings accounts, and hurricane savings accounts.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 112-0

Committee on Commerce and Tourism

CS/CS/CS/SB 1068 — Drone Delivery Services

by Rules Committee; Community Affairs Committee; Commerce and Tourism Committee; and Senators Collins and Boyd

The bill prohibits political subdivisions from withholding the issuance of a business tax receipt, development permit, or other use approval to a drone delivery service and from enacting or enforcing an ordinance or resolution prohibiting a drone delivery service's operation based on the location of the delivery service's drone port. However, the bill does allow a political subdivision to enforce generally applicable minimum setback and landscaping regulations.

The bill exempts drone ports from the Florida Building Code, except for any stairwells. The bill also exempts drone ports from certain provisions concerning fire protection systems of the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 110-0

Committee on Commerce and Tourism

CS/SB 1154 — Labor Pool Act

by Rules Committee and Senators Perry and Hutson

The bill amends the Labor Pool Act to provide that a labor pool satisfies requirements related to provision of restroom facilities and drinking water if its labor hall facility complies with all minimum requirements for public restrooms and drinking fountains in the Florida Building Code. Alternatively, a labor pool may also provide drinking water by furnishing a water cooler or bottled water.

The bill also requires that a worker aggrieved by a violation of the labor pool law must provide written notice of the alleged violation and give the labor pool a reasonable opportunity to cure the alleged violation, before bringing a civil action. A civil action must be commenced within one year after the date that the aggrieved worker serves the written notice of alleged violation.

The remedies provided in the Labor Pool Act for a violation of the restroom, drinking water and seating requirements are exclusive and preclude other legal remedies.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 114-0

Committee on Commerce and Tourism

CS/HB 1203 — Registrations and Transfers of Heating, Ventilation, and Air-Conditioning System Manufacturer Warranties

by Regulatory Reform and Economic Development Subcommittee and Rep. Maggard and others (CS/SB 1242 by Commerce and Tourism Committee and Senator Boyd)

The bill provides that if a residential real property that includes a heating, ventilation, and air-conditioning (HVAC) system as a fixture to the property is conveyed to a new owner, a manufacturer's warranty on that system is automatically transferred to the new owner and continues in effect as if the new owner was the original purchaser of the system.

The bill also provides for the following:

- The warrantor continues to be obligated under the terms of a manufacturer's warranty and cannot charge the new owner a transfer fee.
- The transfer of the warranty to the new owner does not extend the existing warranty term.
- Warranties are deemed registered with the manufacturer if the contractor is licensed under ch. 489, part I, F.S., installs the new HVAC system, and provides the manufacturer with the certificate of occupancy or serial number of the HVAC system.
- A contractor who installs a new HVAC system must document the installation through an invoice or receipt to the customer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Commerce and Tourism

CS/CS/CS/HB 1209 — Rural Development

by Commerce Committee; Ways and Means Committee; Regulatory Reform and Economic Development Subcommittee; and Rep. Shoaf and others (CS/CS/SB 1482 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; and Senator Simon)

The bill specifies that an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) must allow the agency to provide for the payment of invoices to the county, municipality, or RAO for verified and eligible performance that has been completed in accordance with the terms and conditions in the agreement.

The bill amends the Rural Infrastructure Fund to:

- Increase the maximum grant award from 50 percent to 75 percent of the total infrastructure cost, or up to 100 percent of the total infrastructure project cost for a project that is located in a rural community that is also located in a fiscally constrained county or in a RAO;
- Remove the requirement that projects must be linked to specific job-creation or job-retention opportunities;
- Remove the currently permitted use of funds for improving access, availability, and improvement of broadband Internet service.
- Increase the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to $300,000 for all projects and remove the limitation that the grant not exceed 30 percent of the total project cost; and
- Remove the 33 percent local match requirement for grants for surveys, feasibility studies, and the preclearance review of land for projects in a RAO.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Commerce and Tourism

CS/HB 1307 — Department of Agriculture and Consumer Services

by Criminal Justice Subcommittee and Rep. McClure and others (CS/SB 1150 by Appropriations Committee on Agriculture, Environment, and General Government and Senators Ingoglia and Hutson)

The bill addresses various issues related to the Division of Licensing and the Division of Consumer Services within the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Allows a Class "K" initial applicant to provide military experience as a firearms instructor, or a valid firearms instructor certificate issued by a federal law enforcement agency within the last three years, in lieu of having to obtain other firearms training through certain certifications;
- Allows a Class "K" licensee renewing the license to demonstrate continued firearms qualifications by teaching at least six classes during the three-year licensure period in lieu of having to obtain certain firearm training;
- Allows a Class "G" licensee to provide proof of annual training under the Law Enforcement Officers' Safety Act to be used in lieu of four hours of annual training;
- Allows the Division of Licensing to set or waive license renewal late fees by administrative rule;
- Authorizes the department to post online licensure newsletters and pamphlets in lieu of using a paper format;
- Authorizes electronic verification, instead of verification under oath, for certain recovery agent and security guard applications for licensure;
- Reduces the charitable organization registration fees from $75 per year to $10 per year for certain charities receiving $50,000 or less in contributions, as well as exempts from registration certain charities receiving $50,000 or less in total annual revenues; and
- Clarifies the definition for a "Category I liquefied petroleum gas dealer" to provide that a dealer is any person who designs the apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas.

The bill creates criminal penalties for the possession, installation, use, or aiding in the use of contaminant devices inserted into retail fuel dispensers for the purpose of altering, manipulating, or interrupting the normal function of a retail fuel dispenser. Additionally, the bill creates criminal penalties for modifying a vehicle's factory installed fuel tank or possessing any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with intent to use such fuel tank or item to hold or transport fuel obtained by violating any provision relating to retail fuel theft. Finally, the bill provides for the forfeiture of conveyances, vehicles, fuel tanks, and other equipment associated with retail fuel theft, and requires any person convicted of retail fuel theft to be responsible for the reasonable costs incurred by the investigating law enforcement agency and payment to the party for the retail value of the fuel.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Commerce and Tourism

CS/SB 1458 — Roller Skating Rink Safety

by Commerce and Tourism Committee and Senators Yarborough and Stewart

The bill provides that roller skating rink operators will not be liable to a roller skater or spectator for any damages or personal injuries resulting from the inherent risks of roller skating if certain requirements are met by the operator. These operator requirements include: signage, a roller skating rink supervisor or manager for every 200 skaters, the maintenance, safety, and lighting of the roller skating rink and equipment, complying with applicable safety codes, and taking action to correct dangerous conditions.

The bill also provides that a roller skater or spectator assumes the inherent risks of roller skating, and is legally responsible for damages or injuries to himself or herself or others or property which result from roller skating. While skating at a rink, roller skaters must maintain control and awareness, obey signage, and refrain from acting in a manner that may cause or contribute to their own personal injury or the personal injury of another.

Failure by a roller skating rink operator to perform their specified duties and responsibilities constitutes negligence, and failure by a roller skater to perform their specified duties and responsibilities constitutes negligence.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Commerce and Tourism

CS/CS/SB 1648 — Public Records/Investigations by the Department of Legal Affairs and Law Enforcement Agencies

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

The bill creates public records exemptions for information received by the Department of Legal Affairs (DLA) pursuant to a notification of a violation, or received by the DLA pursuant to an investigation by the DLA or a law enforcement agency, under s. 501.1735, F.S., which creates the protection of children in online spaces provisions, or under s. 501.722, F.S., which creates the Florida Digital Bill of Rights in CS/CS/SB 262.

During an active investigation, the DLA may disclose confidential and exempt information:

- In furtherance of its official duties and responsibilities;
- For print, publication, or broadcast if the DLA determines that such release would assist in notifying the public or locating or identifying a person believed to be a victim of the improper use or disposal of customer records; or
- To another governmental entity in the furtherance of its official duties and responsibilities.

Once an investigation is completed or once an investigation ceases to be active, the following information received by the DLA will remain confidential and exempt:

- All information to which another public record exemption applies;
- Personal information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Information that would disclose a business' proprietary information.

The bill provides that these provisions will be subject to an Open Government Sunset Review in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, and except as otherwise expressly provided, these provisions take effect July 1, 2024.
Vote: Senate 33-7; House 113-0

Committee on Education Postsecondary

CS/CS/CS/SB 266 — Higher Education

by Fiscal Policy Committee; Appropriations Committee on Education; Education Postsecondary Committee; and Senator Grall

Board of Governors

The bill (Chapter 2023-82, L.O.F.)requires, rather than authorizes, the Board of Governors (BOG) to adopt a regulation regarding a five-year post-tenure review. The bill also requires the BOG to, following periodic academic program reviews, provide a directive to each university regarding any violation of the Florida Educational Equity Act (FEEA), or programs based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

University Hiring Authority and Personnel

The bill assigns final authority for hiring to the president of the university, who may delegate this authority to the executive management team, provost, or to individual deans, and:

- Requires each university president to annually present to his or her BOT the results of performance evaluations of personnel earning at least $200,000 or more.
- Prohibits any statement, pledge, or oath, other than those specified, as a part of the admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation process.
- Specifies that faculty grievances terminate with the university president or designee.

Prohibited Expenditures at Public Postsecondary Institutions

The bill specifies that a Florida College System (FCS) institution, state university, or associated support organization may not expend any funds for programs or campus activities that violate the FEEA; advocate for diversity, equity, and inclusion; or promote or engage in political or social activism. The bill exempts from such prohibited expenditures requirements student fees to support student-led organizations and the organization's use of institution facilities, with conditions; and other programs related to compliance with law, accreditation, or student access.

Preeminent State Research Universities Program

The bill modifies the Preeminent State Research Universities Program to add a criteria for the total annual STEM-related research state and federal expenditures of $50 million or more. The bill also modifies the total number of standards that an institution must meet to be designated as a preeminent or emerging preeminent state research university.

General Education

The bill establishes content standards in the general education core subject areas, and specifies that general education core courses may not distort significant historical events or teach identity politics and specified concepts related to discrimination. The bill also requires faculty

committees to, by July 1, 2024, and each four years thereafter, review and recommend to the Articulation Coordinating Committee (ACC) and the State Board of Education (SBE) and BOG changes to the general education core course options.

The bill specifies that general education courses must meet specified content standards, and:

- Requires each FCS institution and state university BOT to annually review and approve, at a public meeting, general education course requirements.
- Requires the ACC to, by December 1, 2024, and each December 1 thereafter, submit for approval to the SBE and the BOG courses identified by institutions as general education.
- Specifies that institutions that fail to comply with the requirements for general education courses are not eligible to receive performance-based funding.

State University Institutes

The bill creates the Institute for Risk Management & Insurance Education in Volusia County, within the College of Business at the University of Central Florida.

The bill requires the University of Florida to, annually starting January 1, 2025, report to the Governor and the Legislature on the progress toward establishing the Hamilton Center for Classical and Civic Education as a permanent college. The center must develop plans to ensure that all university students demonstrate competency in civil discourse.

The bill renames the Florida Institute of Politics at FSU to the Florida Institute for Governance and Civics, and removes the institute's stated purpose in favor of specified goals.

The bill expands the authorized activities of the Adam Smith Center for the Study of Economic Freedom regarding hiring, enrollment, curriculum, and fundraising.

Accreditation

The bill clarifies that the change in accreditation required in law for each public postsecondary institution is restricted to a one-time change. The bill also prohibits an accrediting agency or association from compelling any public postsecondary institution to violate state law, which may be enforced through the cause of action in law.

Buy One, Get One Free Tuition Waiver

The bill adds to eligible programs under the "Buy One, Get One Free" tuition waiver, beginning in the 2023-2024 academic year, two state-approved teacher preparation programs identified by the BOG. The bill also protects students from losing the waiver if the program is removed from the approved list subsequent to the student's enrollment.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 27-12; House 81-34

Committee on Education Postsecondary

SB 274 — Nursing Education Pathway for Military Combat Medics

by Senators Avila, Burgess, Osgood, and Perry

The bill creates the "Pathway for Military Combat Medics Act," which expands the award of postsecondary credit for military training and education courses to promote uniformity in the application of military combat medic training and education toward postsecondary credit (credit) or career education clock hours (clock hours) by public postsecondary educational institutions.

The bill requires the Department of Education's Articulation Coordinating Committee (ACC) to convene a workgroup to establish a process for prioritizing and determining postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited nursing education program for military training and education associated with service in specified positions. The process must be approved by the Board of Governors of the State University System (BOG) and the State Board of Education (SBE).

The bill requires the ACC to approve a list of postsecondary course equivalencies and credit and clock hours awarded for such courses and training, which must be approved by the BOG and SBE in the statewide articulation agreement. State universities, Florida College System institutions, and career centers must award credit or clock hours based on the approved list.

Additionally, the bill revises a primary goal of the Florida Center for Nursing to provide that, under its strategic statewide plan for nursing manpower, the encouragement and coordination of the development of partnerships must include partnerships with hospitals that provide opportunities for nursing students to obtain clinical experience.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 117-0

Committee on Education Postsecondary

SB 596 — Board of Governors of the State University System

by Senator Martin

The bill expands the authority of the Office of Inspector General (OIG) within the Board of Governors (BOG) of the State University System to:

- Issue and serve subpoenas and subpoenas duces tecum, for the BOG or all state universities, to compel the appearance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.
- Require or authorize a person to file a written statement, under oath if required, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

The bill specifies that, in the event of noncompliance with a subpoena, the OIG may petition the appropriate circuit court for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 30-9; House 112-1

Committee on Education Postsecondary

CS/SB 598 — Higher Educational Facilities Financing

by Education Postsecondary Committee and Senator Martin

The bill amends provisions related to the Higher Educational Facilities Financing Authority (HEFFA). The bill confirms the declarations of the HEFFA as serving the public interest, as determined by the Legislature.

The bill specifies the term for a new appointee to the HEFFA begins on the later of the dates on which the current term expires or the date of appointment by the Governor.

The bill authorizes the HEFFA to conduct meetings and workshops by means of communications media technology. The bill provides notice requirements to inform the public of the remote meeting and participation specifications for meetings and workshops conducted via communication media technology. The bill specifies that majority voting is for members participating in the meeting, rather than those present.

The bill expands the authority of the HEFFA to contract for administrative services. The bill modifies the time by which the HEFFA determines the financial responsibility of an applicant, to specify that the HEFFA may not enter into a financing agreement for a project with a participating institution that is not financially responsible and fully capable of fulfilling the obligations at the time the agreement is executed.

Additionally, the bill revises the timeframe within which the authority is required to submit a report to the Governor and the Legislature from 2 months to 6 months after the end of the fiscal year.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 114-0

Committee on Education Postsecondary

CS/SB 732 — Collegiate Purple Star Campuses

by Education Postsecondary Committee and Senators Wright and Collins

The bill establishes the Collegiate Purple Star Campuses program to support military-connected families. The bill defines the term military student as a student enrolled in a Florida College System institution, state university, or career center who is an active duty member or veteran of the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of a military branch; or the Florida National Guard, and his or her spouse or dependents.

To implement the program, the bill requires the State Board of Education (SBE) and the Board of Governors (BOG) to adopt rules and regulations, respectively, to establish the Collegiate Purple Star Campuses program and provide minimum requirements.

The bill also authorizes the SBE and the BOG to establish additional criteria to identify for the program potential institutions that demonstrate a commitment to or provide critical transition supports for military-connected families.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 119-0

Committee on Education Postsecondary

CS/CS/SB 846 — Agreements of Educational Entities with Foreign Entities

by Rules Committee; Judiciary Committee; and Senator Avila

The bill (Chapter 2023-34, L.O.F.) establishes requirements specific to state universities and Florida College System institutions (state colleges) with respect to receiving foreign gifts and entering into international cultural agreements.

The bill prohibits state universities, state colleges, and their employees and representatives, from soliciting or accepting any gift in their official capacities from a college or university based in a foreign country of concern specified in law, or from a foreign principal, which is an individual or entity associated with a foreign country of concern.

The bill also prohibits state universities and state colleges from accepting any grant from or participating in either of the following with a foreign country of concern, or with any foreign principal:

- An agreement, defined as a written statement of mutual interest in academic or research collaboration, beginning July 1, 2023.
- A partnership, defined as a faculty or student exchange program, study abroad program, articulation program, recruiting program, or dual degree program, beginning December 1, 2023.

A state university or college may only participate in an agreement or partnership with a college or university based in a foreign country of concern, or with a foreign principal, if authorized by the Board of Governors (BOG) or the State Board of Education (SBE), respectively, and if the agreement satisfies certain other criteria required of all state agency cultural agreements.

The bill also:

- Authorizes the BOG or the SBE to impose statutory sanctions on, and withhold performance funding from, state universities or state colleges for unapproved partnerships or agreements.
- Requires the BOG and the SBE to submit a report to the Governor and the Legislature, annually by December 1, to include data on grants, agreements, partnerships, contracts, or physical locations with any foreign country of concern.

Lastly, the bill prohibits the ownership or operation of any private school participating in the state's school choice scholarship program, by a person or entity domiciled in, owned by, or in any way controlled by a foreign country of concern or a foreign principal.

These provisions were approved by the Governor and take effect on July 1, 2023.
Vote: Senate 39-0; House 119-0

Committee on Education Postsecondary

CS/CS/HB 931 — Postsecondary Educational Institutions

by Education and Employment Committee; Higher Education Appropriations Subcommittee; and Rep. Roach and others (CS/SB 958 by Education Postsecondary Committee and Senator Perry)

The bill requires the Board of Governors (BOG) to create a Committee on Public Policy Events and each state university to establish an Office of Public Policy Events, to organize, publicize, and stage debates, group forums, and lectures at each SUS institution that address, from multiple, divergent, and opposing perspectives, an extensive range of public policy issues widely discussed and debated in society at large. The bill requires each university to maintain a calendar and report to the BOG about such events.

The bill prohibits the use of political loyalty tests in a state university's hiring, admissions, or promotion process, and provides a definition of such test. The bill authorizes the State Board of Education and the BOG to adopt rules and regulations, respectively, regarding implementation and penalties for non-compliance.

Additionally, the bill establishes the Florida Student Association (FSA) and its board of directors made up of the 12 student body presidents of the state universities. The bill requires the FSA to adopt bylaws to establish due process protections for the FSA president.

The bill extends to December 1, the date the State Board of Education and BOG, respectively, must annually compile and publish the Intellectual Freedom and Viewpoint Diversity survey results, starting in 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 33-5; House 82-34

Committee on Education Postsecondary

CS/SB 1272 — Educational Grants

by Appropriations Committee and Senators Simon, Powell, Gruters, Garcia, and Perry

The bill creates a postsecondary educational grant under the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

The bill requires the Florida Department of Education (DOE) to issue a grant to any full-time, degree-seeking, and Florida resident undergraduate student in a baccalaureate degree program at an independent nonprofit university that was formerly eligible for the Access to Better Learning and Education (ABLE) Grant Program, is accredited by the Higher Learning Commission, has been located in Florida for more than 20 years, and offers specified nursing programs at its Florida campus.

The bill requires the DOE to issue a grant to any full-time, degree-seeking, and Florida resident undergraduate student in a baccalaureate degree program at an independent for-profit college or university that is located in and charted by Florida, is accredited by an accrediting agency or association recognized by the database created and maintained by the United States Department of Education, was licensed by the DOE before October 1, 2021, and has Level 6 accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools.

The bill requires institutions wanting to participate to provide a one-time notice to the DOE, and prescribes criteria relating to grant awards, remittance of undisbursed funds, and reporting for participating institutions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 114-0

Committee on Education Pre-K - 12

CS/CS/CS/CS/HB 1 — School Choice

by Education Quality Subcommittee; Education and Employment Committee; PreK-12 Appropriations Subcommittee; Choice and Innovation Subcommittee; and Reps. Tuck, Plasencia, and others (CS/CS/SB 202 by Appropriations Committee; Appropriations Committee on Education; and Senators Simon, Perry, and Collins)

The bill (Chapter 2023-16, L.O.F.) expands educational choice and opportunity for Florida families, supports public schools by reducing state regulations, and benefits teachers by removing barriers to certification.

Expanding Educational Choice

The bill expands eligibility for Florida Tax Credit (FTC) and Family Empowerment Scholarship for Education Options (FES-EO) programs to include any student who is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a public school. In addition the bill:

- For FTC and FES-EO Scholarships:
  - Expands through an education savings account the authorized uses of FTC and FES-EO scholarship funds, which must first be used for tuition and fees at a private school, if the student is enrolled in a private school.
  - Adds a second priority group for students whose household income is between 185 percent and 400 percent of the federal poverty level.
  - Expands the eligibility for public school transportation scholarships to all students eligible for a scholarship.
  - Requires FES-EO scholarships be awarded once all FTC scholarships have been funded.
- For FTC Scholarships:
  - Establishes the personalized education program (PEP) as a parent-directed educational choice option under the FTC scholarship that satisfies mandatory school attendance and provides access to the same programs and services as the home education program.
  - Provides a schedule for funding the FTC scholarships to eligible students that are enrolled in a PEP, which limits enrollment to 20,000 in the 2023-2024 school year. By the 2027-2028 school year, every PEP student will have access to a scholarship.
  - Provides students in a PEP, and their parents, the option to work with choice navigators, who assist parents with the selection, application, and enrollment in educational options that address the academic needs of their student.
  - Updates the parent and student participation responsibilities for the scholarship by requiring the parent to meet with the private school's principal or the principal's designee to review the school's academic programs and policies.
- For the Family Empowerment Scholarship for Students with Unique Abilities (FES-UA):
  - Increases scholarship annual growth from 1 to 3 percent of the state's total exceptional student education student membership, to increase the number of eligible students with disabilities served by the FES-UA.

  - Expands the authorized uses of the FES-UA, and requires that private schools accepting an FES-UA discuss with the parent the school's academic programs and policies, and specialized services which may meet the student's individual needs.
  - Establishes a cap of $50,000 as the maximum amount an SFO is permitted to maintain in an individual student's empowerment account for an FES-UA.
- For the Department of Education (DOE):
  - Requires the Department of Education (DOE) to collect and publish specified assessment results for students in a PEP.
  - Requires the DOE to report all scholarship students for funding, removing this obligation from school districts.
  - Requires the Commissioner of Education (commissioner) to develop an online portal to help parents choose the best educational option for their student.
- For a Scholarship Funding Organization (SFO):
  - Establishes a cap of $24,000 for an individual student's empowerment account for an FES-EO or FTC scholarship.
  - Requires SFOs to participate in a joint development of agreed-upon purchasing guidelines for all scholarship programs.
- For Private Schools:
  - Requires a private school to publish that a student with disabilities does not have an individual right to receive some or all of the special education services that the child would receive if enrolled in a public school.
  - Authorizes the commissioner to deny an owner, officer, or director from operating a private school, and to include such an individual on the disqualification list, if such an individual operated a school that closed during the school year.

Supporting Public Schools by Removing Regulations

The bill requires the State Board of Education to, by November 1, 2023, recommend reductions to the Florida Early Learning-20 education code, and provides immediate reductions to regulations by:

- Providing flexibility for school districts by exempting from the required cost per student station any construction started prior to July 1, 2026.
- Removing the requirement for at least one course within the 24 credits required for a standard diploma to be completed through online learning.
- Adding flexibility for student transportation by allowing vehicles other than school buses to regularly transport students.
- Expressly authorizing any public school, including charter schools, to permit a student to enroll part-time, and provides for proportional funding based on time of attendance.
- Authorizing the commissioner to deny an owner, officer or director to participate in the state school scholarship program if the individual has operated a school that closed during the school year.
- Extending the timeline to transfer a student record from three to five school days.
- Authorizing the district capital outlay millage to be used for payment of salaries and benefits for employees whose job duties support related activities.

Removing Barriers to Teacher Certification

The bill removes barriers to teacher certifications by adding options to the acceptable means of demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence. The bill also increases the validity period of a nonrenewable temporary teaching certificate from 3 to 5 years.

These provisions were approved by the Governor and take effect July 1, 2023, except as otherwise expressly provided.
Vote: Senate 26-12; House 83-27

Committee on Education Pre-K - 12

CS/CS/HB 19 — Individual Education Plans

by Education and Employment Committee; Civil Justice Subcommittee; and Rep. Tant and others (CS/SB 636 by Education Pre-K – 12 Committee and Senators Simon and Perry)

The bill requires school districts to, as a part of the transition portion of an individual education plan (IEP), provide certain information to a student with a disability and his or her parent at least 1 year before the student turns 18. The information concerns issues of self-determination and the legal rights and responsibilities regarding educational decisions that transfer to the student upon attaining the age of 18.

The information provided must include ways in which the student may provide informed consent to allow his or her parents to continue to participate in educational decisions, including the permission for parents to access confidential records protected under the Family Educational Rights and Privacy Act; powers of attorney; guardian advocacy; and guardianship.

The bill authorizes the State Board of Education to adopt rules relating to the transition notification requirements in the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Education Pre-K - 12

CS/SB 190 — Interscholastic Extracurricular Activities

by Rules Committee and Senators Grall and Perry

The bill provides a mechanism for a charter school student and a Florida Virtual School student to participate in interscholastic extracurricular activities at a private school.

The bill authorizes a charter school student to develop an agreement with a private school to participate in the private school's interscholastic extracurricular activities if the activity is not offered at the charter school and the student meets the participation requirements provided in law.

Additionally, the bill authorizes a Florida Virtual School student who meets academic, conduct, and other specified requirements to participate in interscholastic extracurricular activities of a private school if the student develops an agreement to participate with the private school.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 116-0

Committee on Education Pre-K - 12

CS/SB 196 — Guidance Services on Academic and Career Planning

by Commerce and Tourism Committee and Senators Jones, Hutson, and Perry

The bill adds to middle school academic and career planning and high school acceleration notification requirements a notification to parents and students of career and work-based learning opportunities and pathways. The bill:

- Requires a middle grade student's personalized academic and career plan to include information on the career and technical education graduation pathway option and work-based learning opportunities.
- Expands the required annual school district parental notification on high school acceleration options to include information on career education and planning options, work-based learning opportunities, and foundational and soft-skill credentialing programs.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 118-0

Committee on Education Pre-K - 12

CS/CS/HB 225 — Interscholastic and Intrascholastic Activities

by Education and Employment Committee; Education Quality Subcommittee; and Reps. Hawkins, Canady, and others (CS/CS/SB 308 by Rules Committee; Education Pre-K - 12 Committee; and Senators Collins, Grall, and Perry)

The bill authorizes charter school and Florida Virtual School (FLVS) students to develop an agreement with a private school to allow a student to participate in an interscholastic extracurricular activity at that private school.

The bill authorizes traditional public school students to participate in an interscholastic extracurricular activity at a public school in the district or develop an agreement to participate at a private school, if the public school does not offer the activity. Students must meet specified standards at the receiving school and must register with the school.

The bill modifies the Florida High School Athletic Association (FHSAA) program for private school students to participate in an interscholastic extracurricular activity at a public school to clarify that participation is at an FHSAA member public or private school. Also, the bill increases the non-FHSAA member private school enrollment threshold from 125 to 200 students or fewer to be eligible to participate.

The bill authorizes a student who transfers from a public school to continue to participate in activities at the former school for the rest of the school year.

The bill modifies FHSAA operations, which:

- Requires the FHSAA to allow a school that joins the association by sport to participate in the FHSAA championship contest or series for that sport.
- Requires the State Board of Education to ratify FHSAA bylaws, the hiring of an executive director, and FHSAA budget.
- Revises the composition of the membership of the FHSAA board of directors (board) from 16 to 13 members, 8 of whom are appointed by the Governor and confirmed by the Senate; and 4 members from public and private schools elected from the public and private school representatives.
- Removes the requirement that the appointing authority of members of the FHSAA board of directors makes recommendations to reflect state demographic and population trends.
- Establishes legislative authority with the FHSAA board, and requires a majority vote of the board for the approval of legislative recommendations of the representative assembly.

Additionally, the bill requires certain athletic associations to adopt policies or procedures allowing opening remarks at championship events with specified conditions for those remarks.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 28-12; House 93-22

Committee on Education Pre-K - 12

CS/CS/SB 240 — Education

by Fiscal Policy Committee; Education Pre-K - 12 Committee; and Senators Hutson, Simon, and Avila

The bill provides supports for district school boards, Florida College System institutions, and other stakeholders in Florida's workforce development system to provide students with high-quality career and technical education (CTE) and other workforce education programs.

The bill provides financial supports for middle and high school CTE. Specifically, the bill:

- Provides $100 million for district school boards and colleges to fund the creation or expansion of CTE programs that serve secondary students.
- Authorizes secondary CTE programs to be funded according to the cost of the programs.
- Removes limitations on bonus funding for middle school students in CTE programs.
- Provides additional bonus funding within the Florida Education Finance Program for select achievements in CTE.

The bill supports CTE pathways for students. Specifically, the bill:

- Adds continuity through controlled open enrollment for middle school students to continue their CTE programs in high school.
- Enhances career and academic plans through an online career planning system, and requires parents to be provided information about CTE opportunities and benefits.
- Expands options for students to earn credit through extracurricular participation in career and technical student organizations.
- Expands the CTE credit options to meet high school graduation requirements.

The bill strengthens opportunities for students to engage in work-based learning by:

- Establishing regional education and industry consortia to meet and report to local workforce development boards the most effective ways to grow, retain, and attract talent.
- Requiring each district school board to provide all students enrolled in grades 9 through 12 with at least one work-based learning opportunity, and requiring each school district to host an annual career fair.
- Requiring the Florida Talent Development Council to identify barriers and best practices in the facilitation of work-based learning opportunities.

The bill provides flexibility for district school boards in recruiting CTE teachers. The bill:

- Provides discretion to district school boards to certify instructors to teach CTE programs.
- Requires school boards to award teachers inservice credit toward renewal of a professional certificate for supporting students in extracurricular CTE activities.

The bill authorizes school district career centers to offer associate in applied science and associate in science degrees, beginning July 1, 2024, subject to a specified approval process to the State Board of Education (SBE).

The bill restores to district school boards and state colleges the responsibility for approving workforce education programs that have a statewide curriculum framework developed by the Department of Education.

The bill provides flexibility for the Credentials Review Committee (Committee) in designating credentials of value. The bill:

- Authorizes the Committee to consider both information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and long-term data of the Labor Market Estimating Conference as factors in the development of the criteria for identifying credentials of value.
- Authorizes the Committee to consider additional evidence to identify credentials of value for agricultural occupations.
- Removes the requirement for the Committee to develop a returned-value performance funding formula for colleges and career centers.

The bill enhances the CAPE Industry Certification Funding List (Funding List), which is used to incent credentials of value for CTE programs. The bill:

- Provides flexibility to CTE programs to choose the courses in which students may earn industry certifications identified in the Funding List.
- Requires the SBE to submit to the Legislature three tiers for postsecondary certifications on the Funding List according to anticipated wages.

The bill provides flexibility in the administration of certain state financial aid and grant programs. The bill:

- Removes the requirement for career centers and state colleges that all programs offered to meet local workforce demand include a money-back guarantee for employment.
- Converts the Open Door Grant Program to a financial aid program for students of a state college or career center to incent current and future workers to enroll in CTE that leads to a credential, certificate, or degree.
- Provides flexibility for the state administration of the Pathways to Career Opportunities Grant Program and removes the limitation that the grant award may only be used for establishing or expanding apprenticeship and preapprenticeship programs.

The bill provides additional directives to the Florida Endowment for Vocational Rehabilitation to support employment and training for persons with disabilities, and extends the repeal date of the endowment.

The bill requires the Office of Program Policy Analysis and Government Accountability to conduct a study of CTE statewide articulation agreements and report to the Legislature by November 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 114-0

Committee on Education Pre-K - 12

HB 265 — High School Equivalency Diplomas

by Reps. Plasencia, Lopez, J., and others (SB 1004 by Senators Torres, Perry, Rodriguez, Thompson, and Osgood)

The bill prohibits a district school board from requiring a student at least 16 years of age to take any course before taking the General Educational Development (GED) exam for a high school equivalency diploma, unless the student fails to achieve a passing score on the GED practice test as established by State Board of Education rule.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 36-0; House 113-0

Committee on Education Pre-K - 12

CS/SB 290 — Public School Student Progression for Students with Disabilities

by Education Pre-K - 12 Committee and Senators Jones and Berman

The bill authorizes a parent to retain his or her child in prekindergarten, in consultation with the individual education plan (IEP) team, if that child has a disability, an IEP, is enrolled in a public school prekindergarten program at the age of four, and is fully funded through the Florida Education Finance Program (FEFP).

The bill requires that a four-year old student with an IEP, who has been retained in a public school prekindergarten program that was fully funded through the FEFP and has demonstrated a substantial deficiency in early literacy skills, must receive instruction in such skills.

The bill also adds retention in a prekindergarten program to the good cause exemptions from mandatory retention. Specifically, the bill allows a student in grade 3, who has a disability and who is below grade-level in English Language Arts despite at least 2 years of intensive instruction, be promoted to grade 4, if the student was previously retained in a prekindergarten program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 113-0

Committee on Education Pre-K - 12

CS/CS/HB 301 — Emergency Response Mapping Data

by PreK-12 Appropriations Subcommittee; Choice and Innovation Subcommittee; and Rep. Alvarez and others (CS/SB 212 by Appropriations Committee on Education and Senators Collins, Avila, Burgess, Calatayud, Harrell, and Book)

The bill creates in the Department of Education (DOE) the School Mapping Data Grant Program (grant program) to provide standard emergency response mapping data for public school buildings in this state, in order to assist local first responders in responding to emergencies in public schools. Each school district, in consultation with local law enforcement and public safety agencies, may apply to receive funds from the grant program to provide school mapping for the school district, including charter schools.

The bill requires the entity producing the emergency response mapping data to provide the data to the applicable county, district school board, and the appropriate local, state, and federal public safety agencies for use in response to emergencies or conducting specified drills. The bill specifies minimum requirements for the emergency mapping data.

The bill appropriates $14 million to the DOE to administer the grant program.

If approved by the Governor, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Education Pre-K - 12

CS/HB 379 — Technology in K-12 Public Schools

by Choice and Innovation Subcommittee and Rep. Yeager and others (CS/CS/CS/SB 52 by Fiscal Policy Committee; Appropriations Committee on Education; Education Pre-K - 12 Committee; and Senators Burgess, Osgood, Avila, Calatayud, and Garcia)

The bill (Chapter 2023-36, L.O.F.) requires public schools to provide instruction for students in grades 6-12 on the social, emotional, and physical effects of social media. The bill requires the Department of Education to make social media safety instructional material available online and district school boards to notify parents of the material's availability.

The bill specifies that district school boards must provide and adopt an Internet safety policy for student access to the Internet provided by the school district which:

- Limits access by students to only age-appropriate subject matter and materials.
- Protects the safety and security of students when using e-mail and other forms of direct electronic communication.
- Prohibits access to data or information, and other unlawful online activities, by students.
- Prevents access to websites, applications, or software that does not protect against the disclosure, use, or dissemination of students' personal information.

The bill requires each district school board prohibit and prevent students from accessing social media platforms through the use of Internet access provided by the school district, except when expressly directed by a teacher solely for educational purposes.

The bill also requires each school district to prohibit the use of the TikTok platform or any successor platform on Internet access provided by the school district or as a platform to communicate or promote any district school or school activity.

Additionally, the bill prohibits a student from using a wireless communications device during instructional time, except when directed by a teacher for educational purposes, and requires a teacher to designate an area for wireless communications devices during instructional time.

These provisions were approved by the Governor and take effect on July 1, 2023.
Vote: Senate 39-0; House 114-0

Committee on Education Pre-K - 12

CS/HB 389 — Menstrual Hygiene Products in Public Schools

by Education Quality Subcommittee and Rep. Skidmore and others (SB 334 by Senators Book, Polsky, and Berman)

The bill provides that school districts may make menstrual hygiene products available in each school within the district, at no charge. The menstrual hygiene products may be located in the school nurse's office, other physical school facilities for health services, and in school restrooms, including wheelchair accessible restrooms.

The bill requires each participating school to ensure that students are provided appropriate notice as to the availability and location of the menstrual hygiene products. Advertising, messaging, logos, or text, except for the brand name and manufacturer product information, is prohibited on the menstrual hygiene products and in locations where menstrual hygiene products are available in schools.

The bill encourages participating school districts to partner with nonprofit organizations, nongovernmental organizations, businesses, and other organizations to assist in supplying and maintaining the menstrual hygiene products. Information related to the provider, sponsor, or person or organization making such donations may not be displayed.

The bill defines the term "menstrual hygiene products" to mean tampons and sanitary napkins for use in connection with the menstrual cycle.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 110-0

Committee on Education Pre-K - 12

CS/CS/HB 443 — Education

by Education and Employment Committee; Choice and Innovation Subcommittee; and Rep. Valdes and others (CS/CS/CS/SB 986 by Fiscal Policy Committee; Appropriations Committee on Education; Education Pre-K - 12 Committee; and Senator Burgess)

The bill modifies provisions related to charter schools, the Florida Teachers Classroom Supply Assistance Program, private tutoring, and other education-related areas.

The bill includes a number of provisions related to charter schools that:

- Authorize a charter school to give enrollment preference to students who are the children of a safe-school school officer assigned to the school.
- Authorizes a not-for-profit entity to loan certain assets to other charter schools in the state that are operated by the same entity, provided the loan is repaid within five years.
- Include charter school personnel in certain school district training.
- Require the sponsor to annually provide a report on the services provided to charter schools from the administrative fee.
- Require the sponsor to make timely payments and reimbursement, defined as 60 days, of eligible federal grant funds.
- Require the State Board of Education to adopt rules for a standard charter school monitoring tool.
- Require a charter school to place a student on a progress monitoring plan for at least one semester before dismissing the student when the school limits enrollment based on academic, artistic or other standards.

The bill also:

- Expands the Florida Teachers Classroom Supply Assistance Program to include less-than-full-time teachers.
- Requires the district to post step-by-step instructions on how to provide first aid for choking in each public school cafeteria within the district.
- Provides zoning flexibility for private tutoring facilities of up to 25 students.
- Requires the Department of Children and Families to report every 5 years, beginning December 1, 2024, on training requirements and coursework offered to child care personnel.
- Requires the Department of Education to include, as part of the statewide early learning information system, a way for a parent to find early learning programs online.
- Clarifies that a child care provider must not have 3 or more of the same Class 2 violations within 2 years to apply or maintain its status as a Gold Seal Quality Care Provider.
- Adds priority funding under the Community School Grant Program for expanding a program based on the feeder pattern of an existing community school.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 35-4; House 109-0

Committee on Education Pre-K - 12

CS/SB 478 — Early Childhood Music Education Incentive Program

by Appropriations Committee on Education and Senator Perry

The bill converts the Early Childhood Music Education Incentive Pilot Program into a permanent program administered by the Department of Education. The DOE must approve any school district that seeks to participate in the program.

The program is contingent on legislative appropriation to provide school districts with a maximum of $150 per full-time equivalent student in kindergarten through second grade who is enrolled in a comprehensive music education program.

The bill removes the responsibilities assigned to the University of Florida and Florida International University to evaluate the effectiveness of the pilot program and removes proximity to the University of Florida as a factor in eligibility to participate in the program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 115-0

Committee on Education Pre-K - 12

CS/HB 551 — Required African-American Instruction

by Education Quality Subcommittee and Reps. Benjamin, Fine, and others (SB 804 by Senator Simon)

The bill requires each district school board to annually certify and provide to the Department of Education (DOE) evidence of specified instruction on the history of African Americans.

The bill allows the DOE to seek input from any state or nationally recognized African American educational organization regarding development of standards and curriculum for African American history. The bill authorizes the DOE to contract with any such educational organization to develop training for instructional personnel and grade appropriate classroom resources to support the developed curriculum.

The bill requires each district school board to submit an implementation plan for the required instruction under s. 1003.42(2), F.S., to the Commissioner of Education (commissioner) for review and to post the plan to the school district's website. The plan must include methods of instruction, the qualifications of instructional personnel delivering the instruction, and a description of the instructional materials. The commissioner or DOE must notify a school district if the plan does not satisfy requirements, and allow a minimum of 45 days for revisions to the plan.

The bill authorizes the DOE to exercise oversight enforcement authority for non-compliance.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Education Pre-K - 12

CS/CS/HB 633 — K-12 Education

by Education and Employment Committee; Education Quality Subcommittee; and Reps. Salzman, Hawkins, and others (CS/SB 1236 by Education Pre-K -12 Committee and Senator Wright)

The bill repeals the class size reduction penalty calculation for schools exceeding the class size maximums. However, the bill maintains the requirement that the Department of Education monitors compliance and requires a compliance plan for any school that exceeds class size maximums based on the October student membership survey.

The bill requires that a student whose parent is active duty military personnel and who meets the eligibility criteria for special academic programs offered through public schools must be enrolled in such a program if the student's parent is transferred to the state during the school year.

The bill also provides that a student whose parent is on active military duty and is transferred within the state after the controlled open enrollment window can enroll in any school within the state.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 110-3

Committee on Education Pre-K - 12

CS/HB 733 — Middle School and High School Start Times

by Education and Employment Committee and Rep. Temple and others (SB 1112 by Senators Burgess and Jones)

The bill requires district school boards to adopt middle and high school start times beginning with the 2026-2027 school year. By July 1, 2026, middle schools may not begin the instructional day prior to 8:00 a.m., and high schools may not begin prior to 8:30 a.m.

The bill requires each district school board to inform its community, including parents, students, teachers, school administrators, athletic coaches and other stakeholders about the health and safety impacts of sleep deprivation on middle and high school students and the benefits of the later school start times. Each district school board must discuss with such groups local strategies to successfully implement the later start times.

The bill requires charter schools to comply with the specified start times, while providing an exemption for a charter school-in-the-workplace.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-2; House 92-20

Committee on Education Pre-K - 12

HB 795 — Private Instructional Personnel

by Rep. Tant and others (SB 514 by Senators Hooper and Perry)

The bill removes the requirement that a Registered Behavior Technician (RBT) be employed by an enrolled Medicaid provider to provide Applied Behavior Analyst services in a K-12 public school. Instead, the RBT must be employed by a certified behavior analyst or a professional licensed under chapter 490, the "Psychological Services Act" or chapter 491, Clinical, Counseling, and Psychotherapy Services, of the Florida Statutes.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Education Pre-K - 12

HB 891 — Year-round School Pilot Program

by Rep. Williams and others (SB 1564 by Senator Stewart)

The bill establishes the Year-round School Pilot Program (program) to enable the Department of Education (DOE) to assist school districts in establishing a year-round school program within at least one elementary school in the district to study issues, benefits, and scheduling options. The program begins in the 2024-2025 school year for a period of four years.

The bill requires the DOE to create an application process for school districts that must include certain data elements. The Commissioner of Education (commissioner) must select five school districts to participate in the program representing a variety of demographics, which includes an urban, suburban, and rural school district.

The bill outlines elements to be included in the program, including the type of year-round program implemented and specific data needed for evaluation of the program.

The bill requires the commissioner to, upon completion of the program, provide a report to the Legislature and the Governor which includes data on participation, benefits of the program, barriers to implementation, and recommendations to statewide adoption.

The bill authorizes the State Board of Education to adopt rules to administer the program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 107-0

Committee on Education Pre-K - 12

CS/HB 1035 — K-12 Teachers

by Civil Justice Subcommittee and Rep. Gonzalez Pittman and others (SB 244 by Senators Calatayud and Perry)

The bill (Chapter 2023-38, L.O.F.) expands opportunities for teacher recruitment and retention, and clarifies teachers' rights. Specifically in the areas of teacher recruitment and retention, the bill:

- Authorizes state-approved teacher preparation programs to be eligible for the "buy-one-get-one" tuition and fee waiver for qualified students.
- Establishes the Dual Enrollment Educator Scholarship Program to assist Florida public high school teachers in obtaining the graduate degree and credentials necessary to provide dual enrollment coursework on the high school campus.
- Establishes the Teacher Apprenticeship Program as an alternative pathway for individuals to enter the teaching profession, and authorizes a five-year temporary apprenticeship certificate.
- Waives teacher certification initial exam and certification fees for a specified retired first responder.
- Establishes the Heroes in the Classroom Bonus Program to provide a one-time sign-on bonus to retired first responders and veterans who become a full-time classroom teacher, with specified service duties.
- Requires the Commissioner of Education to conduct a comprehensive review of all federal, state, and local teacher training requirements by December 31, 2023, and provide recommendations to the Legislature.
- Requires a principal to impose consequences on a student only after determining the student has violated the student code of conduct, and requires the principal to notify the teacher of any action taken.

The bill creates ch. 1015, F.S., to catalog a number of teachers' rights that are currently guaranteed in law regarding employment, continuing education, controlling the classroom, directing classroom instruction, and receiving timely assessment data. The bill authorizes the Office of Inspector General to investigate allegations or reports of suspected violations of a student's, parent's, or teacher's rights.

In addition, the bill creates a new pathway via special magistrate for objections by teachers who believe the school district has directed him or her to violate state law or rule and provides a rebuttable presumption that a specified action by a teacher or other staff member was necessary to restore or maintain safety.

These provisions were approved by the Governor and take effect on July 1, 2023.
Vote: Senate 35-4; House 92-22

Committee on Education Pre-K - 12

CS/CS/HB 1069 — Education

by Education and Employment Committee; Education Quality Subcommittee; and Reps. McClain, Anderson, and others (CS/SB 1320 by Education Pre-K -12 Committee and Senators Yarborough and Perry)

The bill includes provisions designed to protect children in public schools. The bill includes requirements for age-appropriate and developmentally appropriate instruction for all students in prekindergarten through grade 12. The bill:

- Includes requirements for specific terminology and instruction relative to health and reproductive education in schools and requires that all materials used for such instruction be approved by the Department of Education.
- Extends the prohibition on classroom instruction on sexual orientation or gender identity to prekindergarten through grade 8.

The bill prohibits district school boards from imposing or enforcing requirements that personnel or students be referenced with pronouns that do not correspond with biological sex as defined in the bill, subject to specified exceptions.

The bill enhances the process for transparency and review of library and classroom materials available to students in public schools and the process for parents to limit student access to materials and make objections to materials. The bill requires the suspension of materials alleged to contain pornography or obscene depictions of sexual conduct, as identified in current law, pending resolution of an objection to the material. A district school board must also discontinue the use of any material the board does not allow a parent to read aloud.

The bill requires that meetings of committees to resolve objections must be noticed and open to the public, and provides an appeals process through a special magistrate.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 27-12; House 77-35

Committee on Education Pre-K - 12

CS/HB 1125 — Interstate Education Compacts

by Education Quality Subcommittee and Reps. Smith, Hunschofsky and others (SB 1446 by Senator Wright)

The bill adopts the Interstate Teacher Mobility Compact (ITMC or Compact) model legislation into Florida Statute. The ITMC establishes a regulatory framework to allow teachers with an eligible license held in a Compact member state to be granted an equivalent license in another Compact member state, lowering barriers to teacher mobility and getting teachers back into the classroom more seamlessly.

Teachers holding a Compact-eligible license can apply for licensure in another member state and receive the closest equivalent license without submitting additional materials, taking state-specific exams, or completing additional coursework.

The Compact includes special exceptions for some populations to support equitable access. The Compact specifies that:

- Due to the mobility patterns of military spouses, the barriers to receiving a professional, rather than temporary or provisional, license are much higher; therefore teachers meeting the definition of an eligible military spouse may use a temporary or provisional license for the purposes of the Compact.
- Career and technical education teaching licenses often do not require a bachelor's degree as a requirement for licensure; the Compact allows these licenses to be considered eligible without that requirement.

The ITMC legislation is comprised of 13 articles, which, in part:

- Specify that the Compact does not remove the authority of the receiving state to regulate licensure and endorsements, which may also require teachers under the Compact to meet licensure renewal requirements for that state.
- Require a teacher to undergo a criminal background check in the receiving state.
- Create the ITMC Commission, composed of representatives of the member states, to administer the Compact; its rules are binding to member states.
- Require the ITMC Commission to facilitate the exchange of information, which does not alter the ownership of the data by member states.
- Establish procedures for disciplinary actions for member states that fail to comply with the requirements of the Compact.
- Specify that the provisions of the Compact supersede other state laws that are in conflict.

In addition, the bill updates citations to federal law within the Interstate Compact on Educational Opportunity for Military Children.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Education Pre-K - 12

CS/HB 1127 — Pub. Rec. and Meetings/Interstate Teacher Mobility Compact

by Ethics, Elections and Open Government Subcommittee and Reps. Smith, Hunschofsky, and others (SB 1448 by Senator Wright)

The bill creates an exemption from public records requirements for records held by the Commissioner of Education (commissioner) or Department of Education regarding the investigation and discipline of teachers in other Interstate Teacher Mobility Compact (ITMC or Compact) member states. This public records exemption is aligned to the existing public records exemption for Florida's teacher investigation and discipline records. As set forth in the ITMC, the bill requires that before disclosing any disciplinary or investigatory information received from another member state, the disclosing state must communicate its intention and purpose for such disclosure to the member state that originally provided that information.

The bill creates an exemption from public meetings requirements for any meeting or portion of a meeting of the ITMC Commission or executive committee which discuss information specified in law.

The bill provides that public records and public meeting exemptions are a public necessity because without these protections for records received by the commissioner or DOE, or for ITMC Commission meetings, Florida would be unable to participate in the ITMC.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on the same date that CS/HB 1125 takes effect.
Vote: Senate 40-0; House 115-0

Committee on Education Pre-K - 12

CS/CS/HB 1259 — Education

by Appropriations Committee; Education and Employment Committee; and Rep. Canady and others (CS/CS/SB 1328 by Appropriations Committee; Education Pre-K -12 Committee; and Senator Hutson)

The bill clarifies that charter school capital outlay funding must consist of state funds when said funds are appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary capital outlay millage authorized in statute. The bill removes the specified state funding threshold.

The bill revises the calculation methodology the Department of Education (DOE) uses to allocate state funds appropriated in the GAA to eligible charter schools. The bill specifies that state funds must be allocated on the basis of unweighted full-time equivalent (FTE) students and removes the additional FTE weight for students that are eligible for free and reduced lunch and students with disabilities.

The bill removes the state funding threshold from the calculation methodology used by the DOE to determine the amount of the discretionary capital outlay millage revenue a school district must distribute to each eligible charter school. To reduce the initial burden on school districts and provide for a transition to the required sharing of the $1.5 millage revenue, the bill provides a 5-year glide path whereby school districts share the following percentages of the calculated amount:

- For Fiscal Year 2023-2024 – 20 percent.
- For Fiscal Year 2024-2025 – 40 percent.
- For Fiscal Year 2025-2026 – 60 percent.
- For Fiscal Year 2026-2027 – 80 percent.
- For Fiscal Year 2027-2028, and each fiscal year thereafter – 100 percent.

The bill adds reasons a charter school would not be eligible to receive capital outlay funds, if:

- The school is a developmental research (laboratory) school that receives state funding for capital improvement purposes.
- A member of the governing board, or his or her family member, has an interest in or is an employee of the lessor of the charter school property, unless the charter is a charter school-in-the-workplace or a charter school-in-a-municipality.

The bill requires a charter school to attest in writing to the DOE, that, if the charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with the public funds must revert to the district school board. Also, the bill requires purchases, lease-purchases, or leases by a charter school using charter capital outlay funds to be at the appraised value, defined as the fair market value to be determined by an independent, Florida-licensed, qualified appraiser selected by the charter school governing board.

Additionally, the bill clarifies that the calculation of each school district's enrollment for purposes of calculating the proportionate share of the school capital outlay surtax must be based on capital outlay full-time equivalent enrollment (COFTE), rather than the total school district enrollment.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 29-11; House 82-31

Committee on Education Pre-K - 12

CS/CS/CS/HB 1537 — Education

by Education and Employment Committee; Appropriations Committee; Education Quality Subcommittee; and Reps. Rizo, Daniels, and others (CS/CS/SB 1430 by Fiscal Policy Committee; Appropriations Committee on Education; and Senator Avila)

The bill (Chapter 2023-39, L.O.F.) improves the overall quality of Florida's teacher preparation programs by streamlining programs, program requirements, and expanding upon the uniform core curricula, and modifies educator certification requirements. Specifically, the bill:

- Requires a system-wide shift from professional development to professional learning by defining the requirements for professional learning and requires the Department of Education (DOE) to create a web-based marketplace of high-quality programs.
- Expands eligibility for temporary certification to candidates who are currently enrolled in state-approved teacher preparation programs and who meet certain requirements.
- Re-establishes the general knowledge test requirement for all applicants for a professional certificate, but narrows the individuals who must demonstrate mastery of professional preparation and education competence.
- Authorizes a charter school governing board to adopt rules to allow for the issuance of an adjunct teaching certificate.

The bill modifies instruction and student progression by:

- Requiring instruction on Asian American and Pacific Islander history with specified topics.
- Expanding the practical arts credit option for high school graduation to any career and technical education course.
- Requiring each school district to annually review and confirm that all reproductive health and disease information and associated links available on the district school board website are accurate and up-to-date.
- Requiring the Governor to annually proclaim September 11 as "9/11 Heroes Day." On this day, public schools are required to receive at least 45 minutes of instruction on associated topics.

The bill modifies assessment, acceleration, and accountability provisions, which:

- Authorize school districts to select the Classic Learning Test (CLT) for an annual districtwide administration for certain students, and allows students to earn a concordant score on the CLT to meet initial eligibility requirements for the Bright Futures Scholarship Program (Bright Futures).
- Adds a measure to the school grades formula specific to performance on the grade 3 English Language Arts assessment.
- Maintains current concordant and comparative scores to meet statewide assessment graduation requirements for the class of 2023.
- Establishes advanced courses developed by public postsecondary institutions as an additional acceleration option, and requires the DOE and Board of Governors issue a report on the effectiveness of acceleration courses.

The bill modifies provisions related to students to:

- Authorize a student to have and use standard headache medication at school.
- Establish guidelines for searches of students' personal belongings.
- Add a rebuttal provision within school district zero tolerance policies that a student's specified actions were necessary for student safety.

The bill also:

- Allows Bright Futures students to combine volunteer and paid work hours to meet initial eligibility requirements.
- Authorizes additional enforcement mechanisms for the Commission for Independent Education (commission) at the DOE, and expands fair consumer practices and minimum standards for licensure of private, postsecondary institutions under the jurisdiction of the commission. The bill also requires each licensed institution to be accredited prior to approval to offer a nursing program.
- Modifies charter capital outlay funding eligibility requirements relating to school grades.
- Creates the Year-round School Pilot Program, established for a period of four years.

The bill provides a nonrecurring appropriation from the General Revenue Fund to the DOE of:

- $5.8 million to be used for the procurement of a statewide transparency tool to support the implementation of specified instructional and library materials requirements.
- $1 million to be used for the procurement of bleeding control kits for placement in Florida public schools.

These provisions were approved by the Governor and take effect July 1, 2023, except as otherwise expressly provided.
Vote: Senate 40-0; House 112-3

Committee on Education Pre-K - 12

CS/HB 1597 — Florida Virtual School

by Choice and Innovation Subcommittee and Rep. Gossett-Seidman and others (CS/SB 926 by Education Pre-K -12 Committee and Senators Rodriguez and Jones)

The bill provides additional support to military children who are out-of-state due to the duty station of their military parent or guardian. The bill establishes a process by which a parent or guardian can request flexibility in assessment administration to permit a student to participate in statewide, standardized assessments while out-of-state.

The bill defines "child of a military family residing outside this state eligible for flexibility in assessment administration" to mean a Florida Virtual School (FLVS) full-time student of a military family residing outside of Florida who is prevented by his or her parent's or guardian's out-of-state military duty station's location from participating in a Florida-based FLVS secure and proctored exam.

The bill requires that the flexibility in assessment administration must allow an eligible student to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or education services officer test administrator at his or her parent's or guardian's current military duty station. The administrator of the assessment must complete the training adopted in State Board of Education (SBE) rule.

The request for flexibility in assessment administration must be made in writing by the student's parent or guardian to the FLVS within a specified timeframe. The FLVS must make a recommendation regarding granting or denying the request to the Department of Education (DOE), which makes a final determination on the request.

The FLVS must maintain data regarding the number of requests for flexibility in assessment administration made, the number of requests for flexibility in assessment administration granted, and data regarding student performance on statewide, standardized assessments, and make such data available to the Legislature upon request.

The bill requires the SBE to adopt rules governing the flexibility in assessment administration process established by the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Education Pre-K - 12

CS/SB 7020 — OGSR/Mobile Suspicious Activity Reporting Tool

by Governmental Oversight and Accountability Committee; Education Pre-K - 12 Committee; and Senator Collins

The bill saves from repeal the current exemption from public records disclosure requirements relating to the identity of the reporting party and any other information received through the mobile suspicious activity reporting tool and held by the Florida Department of Law Enforcement, law enforcement agencies, or school officials.

The bill expands the exemption to make confidential and exempt from public records disclosure requirements the identity of the reporting party received through the mobile suspicious activity reporting tool and held by the Florida Department of Education (DOE), and to make exempt from public records disclosure requirements any other information received through the mobile suspicious activity reporting tool and held by the Florida DOE. This exemption includes records already held by the DOE.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 118-0

Committee on Education Pre-K - 12

SB 7022 — OGSR/Marjory Stoneman Douglas High School Public Safety Commission/Safe-school Officers

by Education Pre-K - 12 Committee and Senator Collins

The bill saves from repeal two exemptions from public records and public meetings requirements. The bill saves from repeal the exemption from public meeting requirements relating to any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed.

The bill also saves from repeal the exemption from public records disclosure requirements relating to any information held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 117-0

Committee on Education Pre-K - 12

CS/CS/HB 7039 — Student Outcomes

by Education and Employment Committee; PreK-12 Appropriations Subcommittee; Education Quality Subcommittee; and Rep. Trabulsy and others (SB 1424 by Senator Calatayud)

The bill aims to improve student outcomes by providing specific strategies to support students who are struggling in literacy and mathematics from prekindergarten through grade 5.

The bill modifies supports to improve student literacy. Specifically, the bill directs the statewide focus for literacy instruction in all public schools to employ the science of reading and requires phonics instruction as the primary instructional strategy for word reading, rather than the three-cueing model. The bill also:

- Provides $8 million in nonrecurring funds from the General Revenue Fund to the Department of Education (DOE) to implement the provisions of the bill.
- Provides $150 million in nonrecurring funds from the General Revenue Fund to the DOE to assist school districts in implementing the provisions of the bill, which requires a needs assessment to convert from a three-cueing model of reading instruction.
- Authorizes funds from the supplemental academic instruction allocation to be used for evidence-based mathematics interventions extending outside of the school day.
- Authorizes reading interventions funded through the evidence-based reading allocation to be applied before, during, and after the school day.
- Requires the school district reading plan include the assignment of highly effective teachers and reading coaches in kindergarten through grade 2.
- Requires a school charter to include information on the mathematics curriculum and supports for students struggling in mathematics.
- Requires curricula for professional educator preparation to be based on the science of reading and requires the district professional development certification program to include scientifically researched and evidence-based reading instructional strategies grounded in the science of reading.
- Requires in-service points for reading instruction included in the process for renewal of professional certificates be grounded in the science of reading, and services by independent entities contracted by school districts for professional development of foundational skills for reading be grounded in the science of reading.
- Requires instructional materials for foundational reading skills to be based on the science of reading with primary focus on phonics instruction.

The bill addresses student literacy beginning in the Voluntary Prekindergarten Education (VPK) Program. The bill:

- Requires that the performance standards for the VPK program address emergent literacy skills that are grounded in the science of reading and include foundational background knowledge to correlate with the content students will encounter in grades K-12.
- Requires a VPK provider's curriculum to develop student background knowledge through a content-rich and sequential knowledge-building early literacy curriculum.

The bill also modifies the New Worlds Reading Initiative. The bill requires the administrator of the initiative, in conjunction with the Just Read, Florida! Office, to develop an online repository of digital science of reading materials and resources. The bill also renames the New World Reading Scholarship Accounts to the New World Scholarship Accounts and extends the program to include:

- Free books for prekindergarten students meeting certain criteria.
- Supports for students with a deficiency in mathematics or having demonstrated characteristics of dyscalculia.

The bill adds to provisions relating to public school student progression for students with substantial deficiencies in reading or that have characteristics of dyslexia, to include students with substantial deficiencies in mathematics and characteristics of dyscalculia. Specifically, the bill:

- Requires a student with a substantial mathematics deficiency to be covered by a federally required student plan to address the deficiency.
- Requires certain elements related to an identified reading or mathematics deficiency to be included in an individualized progress monitoring plan, which requires strategies to be provided to parents to support the student.
- Requires the DOE to provide vetted and state-approved reading and intervention programs.
- Authorizes district school boards to allocate remedial and supplementary instructional resources for deficiencies in mathematics as well as in reading.
- Requires timely notification to parents of students with deficiencies in mathematics as well as reading.
- Adds requirements for intensive interventions for retained third grade students and previously retained third grade students.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 111-0

Committee on Environment and Natural Resources

CS/HB 109 — State Park Campsite Reservations

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Canady and others (CS/SB 76 by Appropriations Committee on Agriculture, Environment, and General Government and Senators Hooper, Burgess, and Book)

The bill allows Florida residents to reserve state park cabins and campsites one month before nonresidents. Specifically, the bill requires the Division of Recreation and Parks of the Department of Environmental Protection to allow Florida residents to reserve state park cabins and campsites—including sites for RV, tent, boat, and equestrian camping—up to 11 months in advance, and up to 10 months in advance for nonresidents. Florida residents must provide proof of residency (a Florida driver license or identification card) when making reservations more than 10 months in advance.

If approved by the Governor, these provisions take effect January 1, 2024, unless otherwise provided.
Vote: Senate 39-0; House 107-0

Committee on Environment and Natural Resources

CS/HB 111 — Flooding and Sea Level Rise Vulnerability Studies

by Agriculture, Conservation, and Resiliency Subcommittee and Rep. Hunschofsky and others (CS/SB 1170 by Fiscal Policy Committee and Senators Calatayud and Garcia)

The bill amends the Resilient Florida Program to authorize the Department of Environmental Protection (DEP) to provide grants to counties or municipalities for feasibility studies and the cost of permitting for innovative measures that reduce the impact of flooding and sea level rise and focus on nature-based solutions. The bill authorizes water management districts, in support of local government adaptation planning, to receive grants under the Resilient Florida Grant Program for the purpose of supporting the Florida Flood Hub for Applied Research and Innovation and DEP for data creation and collection, modeling, and the implementation of statewide standards.

The bill substantially expands the geographical area where a sea level impact projection (SLIP) study is required and changes the types of structures that this requirement applies to. Currently, a SLIP study must be conducted before beginning construction of a new coastal structure within the coastal building zone. The bill amends this requirement by providing that, beginning July 1, 2024, a SLIP study must be conducted before beginning construction of a "potentially at risk structure or infrastructure" in an area at risk due to sea level rise, regardless of whether it is within the coastal building zone. The bill repeals the current SLIP program on July 1, 2024.

The bill directs DEP to update its SLIP study rules to provide for the changes required under this bill. In addition to the requirements for the existing rule, the revised rules must include a requirement that state-financed constructors assess the risk of flooding, inundation, and wave action damage to potentially at-risk structures or infrastructure and provide a list of flood mitigation strategies for consideration as part of the structure or infrastructure's design.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, unless otherwise provided.
Vote: Senate 37-0; House 117-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 162 — Water and Wastewater Facility Operators

by Fiscal Policy Committee; Regulated Industries Committee; Environment and Natural Resources Committee; and Senator Collins

The bill requires the Department of Environmental Protection (DEP) to issue reciprocal licenses to water utility workers licensed in other jurisdictions and other license applicants who meet certain requirements. The bill directs DEP to award education and operational experience credits to license applicants who have performed comparable duties in the United States Armed Forces but who do not meet certain other requirements for a reciprocal license. The bill also provides that, during a declared state of emergency under s. 252.36, F.S., DEP:

- May issue a temporary license to applicants who otherwise meet the requirements for licensure reciprocity; and
- Must waive the application fee for a temporary operator license. DEP must also adopt rules for licensure by reciprocity.

If approved by the Governor, these provisions take effect July 1, 2023, unless otherwise provided.
Vote: Senate 39-0; House 114-0

Committee on Environment and Natural Resources

HB 407 — Apalachicola Bay Area of Critical State Concern

by Rep. Shoaf and others (SB 702 by Senators Simon and Trumbull)

The bill permits the Department of Environmental Protection (DEP) to expend up to $5 million each fiscal year, beginning in Fiscal Year 2023-2024 and continuing through Fiscal Year 2027-2028, for the purpose of entering into financial assistance agreements with the City of Apalachicola to implement projects that improve surface water and groundwater quality within the Apalachicola Bay Area of Critical State Concern.

Projects for which the City of Apalachicola may receive funds include the construction of stormwater management facilities and central sewage collection facilities, installation of onsite sewage treatment and disposal systems, direct and indirect potable reuse, and other water quality and water supply projects. The subsection created by the bill will expire on June 30, 2028.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 110-0

Committee on Environment and Natural Resources

HB 641 — Restoration of Osborne Reef

by Rep. LaMarca and others (SB 546 by Senators Avila, Pizzo, and Book)

The bill requires the Department of Environmental Protection (DEP) to submit a report to the Legislature on the status of the Osborne Reef cleanup and tire removal project. The report must include:

- A description of the condition of the remaining Osborne Reef structure;
- Any restoration efforts undertaken to restore the reef structure;
- The number of tires that have been retrieved and the number that still need to be retrieved; and
- The estimated timeline for the completion of the project.

The bill directs DEP to develop a comprehensive restoration plan for Osborne Reef by July 1, 2024, upon completion of the cleanup and tire removal project. The restoration plan must include:

- A preliminary plan for the restoration of the existing reef;
- The restoration of any nearby natural reefs that were destroyed by the tire installation;
- The shifting of resources from tire retrieval to reef restoration; and
- Coordination with other coral reef restoration projects and resources.

Upon completion of the plan, DEP must provide a report to the Legislature. The report must include an update on the status of the restoration plan and any recommendations for statutory changes necessary to achieve the identified restoration goals.

The bill also contains legislative findings regarding the enactment and purposes of the Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, unless otherwise provided.
Vote: Senate 38-0; House 115-0

Committee on Environment and Natural Resources

CS/CS/SB 724 — Seagrass Restoration Technology Development Initiative

by Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senators Boyd, Stewart, Garcia, and Avila

The bill establishes the Seagrass Restoration Technical Development Initiative within the Department of Environmental Protection (DEP), in partnership with Mote Marine Laboratory, the University of Florida, and DEP's Aquatic Preserve Program, to develop innovative, cost-efficient, and environmentally sustainable technologies needed to restore coastal seagrass ecosystems.

The bill directs DEP to award funds specifically appropriated by the Legislature to Mote Marine Laboratory, which will function as the initiative's lead administrative component. Mote Marine Laboratory may use a portion of the funds to facilitate additional engagement with other pertinent marine science and technology development organizations to pursue applied research and technology for the successful restoration of seagrass ecosystems. Mote Marine Laboratory may not use more than five percent of the funds for direct annual initiative administration and coordination costs. The initiative must leverage state-appropriated funds with additional funds from private and federal sources.

Mote Marine Laboratory and the University of Florida are required to create a 10-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

The bill requires the initiative to submit an annual report with an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of Environmental Protection, and the executive director of the Fish and Wildlife Conservation Commission.

The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative and specifies the membership of the council. The TAC must meet at least twice a year. The bill appropriates $2 million from the General Revenue Fund to DEP beginning in the 2023-2024 fiscal year and for each fiscal year through 2027-2028 to implement the seagrass initiative and the technology advisory council. In addition, the bill requires DEP to implement seagrass restoration projects that are procured on a payment-for-performance basis.

The section of law created in the bill expires on June 30, 2028.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 119-0

Committee on Environment and Natural Resources

CS/CS/HB 847 — Vessel Regulations

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Rep. Stark and others (CS/SB 1082 by Rules Committee and Senator DiCeglie)

The bill removes the authority for a local government to require a permit for certain floating vessel platforms (i.e., those not attached to a bulkhead).

The bill provides that a local government may only require a one-time registration of such platforms where the platform owner self-certifies compliance with the exemption criteria. Local governments may require this self-certification to ensure, among other things, compliance with ordinances, codes, state-delegated or state mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently than, or inconsistent with, the exemption criteria and address subjects other than subjects addressed by the exemption criteria.

The bill also allows local governments to establish by ordinance minimum wake boating-restricted areas within 500 feet of certain sewage pumpout stations at a public or private nonresidential marina.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-2

Committee on Environment and Natural Resources

CS/HJR 1157 — Fishing and Hunting

by Agriculture, Conservation, and Resiliency Subcommittee and Rep. Melo and others

The joint resolution proposes an amendment to the Florida Constitution to preserve hunting, fishing, and the taking of fish and wildlife, including by the use of traditional methods, in perpetuity as a public right. The amendment would make hunting, fishing, and the taking of fish and wildlife the preferred means of responsibly managing and controlling fish and wildlife. The amendment would not limit the authority of the Florida Fish and Wildlife Conservation Commission.

The joint resolution provides that the following statement will be placed on the ballot:

> RIGHT TO FISH AND HUNT.—Proposing an amendment to the State Constitution to preserve forever fishing and hunting, including by the use of traditional methods, as a public right and preferred means of responsibly managing and controlling fish and wildlife. Specifies that the amendment does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV of the State Constitution.

The proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2024 or at an earlier special election if specifically scheduled by law.

If approved by the voters, this amendment will take effect January 7, 2025.
Vote: Senate 38-1; House 116-0

Committee on Environment and Natural Resources

CS/HB 1161 — Venomous Reptiles

By Infrastructure Strategies Committee and Rep. Abbott and others (CS/SB 1266 by Criminal Justice Committee and Senators Rodriguez and Stewart)

The bill revises violations and penalties for the improper sale, release, and escape of certain reptiles. The bill provides that a person commits a Level Four violation if they:

- Knowingly release a nonnative venomous reptile or allow a nonnative venomous reptile to escape through gross negligence.
- Knowingly purchase, sell, attempt to sell, offer to sell, conspire to sell, barter, exchange, trade, or import for sale or use any species of venomous reptile without having first obtained a special permit or license from the Florida Fish and Wildlife Conservation Commission (FWC).

The bill provides that a violation of any FWC rule or order requiring housing wildlife in a safe manner that results in the escape of a venomous reptile is a Level Three violation. The bill also makes multiple corresponding changes related to the enhanced penalties for certain Level Two, Three, and Four violations involving reptiles.

Level Four violations are third degree felony offenses and are punishable by up to five years imprisonment and up to a $5,000 fine. Level Three violations are first degree misdemeanor offenses and are punishable by up to one year in the county jail and up to a $1,000 fine. Level Two violations are either second or first degree misdemeanor offenses, depending on the offender's history.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Environment and Natural Resources

CS/CS/HB 1367 — Unlawful Dumping

by Water Quality, Supply, and Treatment Subcommittee; Local Administration, Federal Affairs, and Special Districts Subcommittee; and Reps. Altman, Bartleman, and others (CS/SB 1368 by Community Affairs Committee and Senator Wright)

The bill amends the Florida Litter Law. It amends the definition of "dump" to include the acts of draining and discharging. The bill also adds personal property, pharmaceuticals of any kind, household items, sheds, trucks, trailers, and motorhomes to the definition of "litter." The bill defines "water control district" as a water control district that exists pursuant to ch. 298, F.S., concerning drainage and water control, or was created by special act of the Legislature.

The bill makes it unlawful for any person to dump litter in or on any water control district property or canal right-of-way without prior consent. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, are in violation of the Florida Litter Law.

The bill requires a member of a water control district board of directors or a district manager who discovers that a person has committed unlawful dumping in or on water control district property or canal right-of-way to report the incident to the appropriate law enforcement agency. The bill allows a law enforcement officer to enter any district canal right-of-way, property, or facility to respond to such an incident.

The bill provides that land owned by a water control district or that was created by special act of the Legislature is "posted land" if signs are placed at or near the intersection of any district canal right-of-way and a road right-of-way.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 37-0; House 116-0

Committee on Environment and Natural Resources

CS/CS/HB 1379 — Environmental Protection

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Reps. Steele, Overdorf, and others (CS/CS/SB 1632 by Fiscal Policy Committee; Environment and Natural Resources Committee; and Senators Brodeur and Avila)

The bill is related to environmental protection. The major topics in the bill include wastewater treatment, onsite sewage treatment and disposal systems (OSTDSs), sanitary sewer services, basin management action plans (BMAPs), the wastewater grant program, the Indian River Lagoon (IRL), and the acquisition of state lands. The bill provides the following:

Acquisition of state lands

- Appropriates $100 million annually to the Department of Environmental Protection (DEP) for the acquisition of land under the Florida Forever Act.
- Raises the property value threshold for when two appraisals of a parcel are required from $1 million to $5 million.
- Reduces the types of land purchases that must be approved by the Board of Trustees of the Internal Improvement Trust Fund.
- Allows DEP to acquire parcels for the full value of that parcel as determined pursuant to the highest approved appraisal.
- Requires DEP and the Department of Agriculture and Consumer Services (DACS) to disclose otherwise confidential appraisal reports to private landowners or their representatives during negotiations for the acquisition of state lands or conservation easements.

Advanced waste treatment

- Requires sewage disposal facilities to provide advanced waste treatment before discharging into certain impaired waters by January 1, 2033.
- Requires that, for waters that become impaired after July 1, 2023, sewage disposal facilities must provide advanced waste treatment within 10 years of the designation.

OSTDSs

- Prohibits new OSTDSs within a BMAP, reasonable assurance plan, or pollution reduction plan where sewer is available. On lots one acre or less where sewer is not available, new OSTDSs must be an enhanced system or other treatment system that achieves at least 65 percent nitrogen reduction.
- Encourages local government agencies that receive grants or loans from DEP for connecting OSTDSs to sewer systems to notify owners of OSTDSs that such funding is available and provide this information online.
- For BMAPs that include an Outstanding Florida Spring, the bill expands the area for which an OSTDS remediation plan is required from a "priority focus area" to the entire BMAP.

Sanitary sewer services

- Requires local governments to consider the feasibility of providing sanitary sewer services for developments of more than 50 residential lots that have more than one OSTDS per acre within a 10-year planning horizon (not required for rural areas of opportunity).
- Requires local governments to update their comprehensive plans to include the sanitary sewer planning element by July 1, 2024.
- Requires local governments that are subject to a BMAP (or located within the basin of waters not meeting applicable nutrient-related water quality standards) to provide DEP with an annual update on the status of the construction of sanitary sewers to serve such areas.

Wastewater grant program

- Expands the areas/types of waterbodies that are eligible to receive funding.
- Expands the types of projects that are eligible for grants to include additional wastewater projects, stormwater projects, and regional agricultural projects (retitling the grant program to the "water quality improvement grant program").
- Removes the requirement that each grant have a minimum 50 percent local match of funds, but allows DEP to consider percent cost-share identified by an applicant (except for rural areas of opportunity) when prioritizing projects.
- Requires DEP to coordinate with local governments, stakeholders, and DACS to identify and prioritize the most effective and beneficial water quality improvement projects.

IRL

- Establishes the IRL Protection Program, consisting of the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan.
- Sets forth requirements for the program, including evaluation of the BMAP, identification and prioritization of projects, and water quality monitoring.
- Prohibits new OSTDSs (unless previously permitted) within the IRL Protection Program area beginning January 1, 2024, where a central sewerage system is available. For new developments where sewer is not available, only enhanced nutrient-reducing OSTDSs will be authorized.
- Requires any commercial or residential property with an existing OSTDS located within the IRL Protection Program area to connect to central sewer or upgrade to an enhanced nutrient-reducing OSTDS or other wastewater treatment system that achieves at least 65 percent nitrogen reduction by July 1, 2030.

BMAPs

- Requires BMAPs to include five-year milestones for implementation and water quality improvement.
- Requires entities that have a specific pollutant load reduction requirement to submit to DEP a list of projects that will be undertaken to meet the five-year milestones.

- Requires DEP to coordinate with DACS and owners of agricultural operations in a BMAP to identify a list projects that will reduce pollutant loads for agricultural nonpoint sources.
- Requires local governments to include in their comprehensive plans a list of projects necessary to achieve pollutant load reductions attributable to the local government as part of a BMAP.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, unless otherwise provided.
Vote: Senate 40-0; House 116-0

Committee on Environment and Natural Resources

CS/CS/HB 1405 — Biosolids

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Rep. Tuck and others

The bill establishes a biosolids grant program within the Department of Environmental Protection (DEP) and provides that, subject to the appropriation of funds by the Legislature, DEP may provide grants to counties, special districts, and municipalities to support projects that:

- Evaluate and implement innovative technologies and solutions for the disposal of biosolids; or
- Construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids, nonfertilizer uses or disposal methods, or alternatives to synthetic fertilizers.

The bill encourages applicants to form public-private partnerships with private utilities and firms.

The bill provides that projects eligible for funding by the biosolids grant program may include, but are not limited to, projects that:

- Reduce the amount of nutrients in biosolids,
- Reduce the amount of emerging contaminants in biosolids, or
- Provide alternatives to the land application or landfilling of biosolids as a method of disposal.

The bill requires DEP, in allocating grant funds, to prioritize projects by considering the environmental benefit that a project may provide.

The bill requires DEP to administer the biosolids grant program so that 10 percent of the funds made available each year are reserved for projects within a rural area of opportunity. If DEP does not receive sufficient applications for projects within a rural area of opportunity, it may reallocate the reserved funds. DEP must require that each biosolids grant has a minimum of a 50 percent funding match from local, state, federal, or private funds. However, DEP may waive the funding match requirement for biosolids grants for projects within a rural area of opportunity.

The bill requires DEP to develop annual reporting requirements for grant recipients that must include the phosphorous and nitrogen content, the type, and the amount of each grant-funded product derived from wastewater residuals and the buyers and users of such products.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 106-0

Committee on Environment and Natural Resources

CS/CS/HB 1489 — Designation of Brevard Barrier Island Area as Area of Critical State Concern

by Infrastructure Strategies Committee; Agriculture, Conservation, and Resiliency Subcommittee; and Rep. Altman and others (CS/CS/SB 1686 by Rules Committee; Environment and Natural Resources Committee; and Senator Wright)

This bill designates the Brevard Barrier Island Area as an area of critical state concern. The bill provides Legislative findings regarding the necessity of designating the Brevard Barrier Island Area as an area of critical state concern. These findings include environmental, economic, and safety considerations. The bill provides that the Legislature intends to:

- Establish a land use management system that protects the natural environment of the southern Brevard Barrier Island Area;
- Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the Brevard Barrier Island Area by funding water quality improvement projects; and
- Ensure that the population of the Brevard Barrier Island can be safely evacuated.

The bill provides guiding principles for development within the Brevard Barrier Island Area that focus on protecting sea turtle habitat, restoring water quality, safeguarding against the adverse impacts of flooding and storm surge, and limiting the adverse impacts of development.

The bill also allows for the removal of the Brevard Barrier Island Area's designation as an area of critical state concern if the state land planning agency determines that all local land development regulations and comprehensive plans are adequate to protect the Brevard Barrier Island Area and are in compliance with the principles for guiding development. The bill provides criteria that must be met before the state land planning agency may recommend removing the area of critical state concern designation.

Beginning November 30, 2030, the state land planning agency must submit an annual written report to the Administration Commission, which consists of the Governor and members of the Cabinet, on the progress of the Brevard Barrier Island Area toward achieving the legislative intent and implementing the guiding principles for development.

The bill provides that the designation of the Brevard Barrier Island Area as an area of critical state concern does not affect any existing zoning or use of land in effect within the Brevard Barrier Island Area before July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 115-0

Committee on Environment and Natural Resources

HB 7003 — OGSR/Water Management District Surplus Lands

by Ethics, Elections and Open Government Subcommittee and Rep. Griffitts (SB 7004 by Environment and Natural Resources Committee)

The bill amends s. 373.089(1), F.S., to save from repeal the public records exemption for written valuations of land determined by a governing board of a water management district to be surplus; related documents used to form, or which pertain to, such valuations; and written offers to purchase such surplus land. The exemption expires two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the district.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption in s. 373.089, F.S., is scheduled to repeal on October 2, 2023. This bill removes the scheduled repeal to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect October 1, 2023, unless otherwise provided.
Vote: Senate 38-0; House 113-0

Committee on Environment and Natural Resources

HB 7027 — Ratification of Rules of the Department of Environmental Protection

by Water Quality, Supply, and Treatment Subcommittee and Rep. Overdorf and others (CS/SB 7002 by Community Affairs Committee and Environment and Natural Resources Committee)

The bill ratifies Florida Administrative Code Rule 62-6.001, which incorporates more stringent permitting requirements for onsite sewage treatment and disposal systems, commonly referred to as septic systems, in areas where the Department of Environmental Protection (DEP) has adopted an onsite sewage treatment and disposal system remediation plan as part of a basin management action plan.

The bill also ratifies Florida Administrative Code Rules 62-600.405, 62-600.705, and 62-600.720, relating to domestic wastewater facilities, which are amended to:

- Require a pipe assessment, repair, and replacement plan and an annual report on the plan;
- Include statutory requirements for a power outage contingency plan;
- Include statutory requirements for an annual report on utilities' expenditures on pollution mitigation efforts; and
- Require certain domestic wastewater facilities' emergency response plans to address cybersecurity.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 111-0

Committee on Ethics and Elections

HJR 31 — Partisan Elections for Members of District School Boards

by Reps. Roach, Sirois, and others (SJR 94 by Senator Gruters)

This joint resolution proposes an amendment to the Florida Constitution to require members of a district school board to be elected in a partisan race. If this resolution is adopted, members of district school boards may not be elected on a partisan basis until the general election held in November 2026. Primary elections for purposes of nominating political party candidates to district school boards may occur before the 2026 general election.

The proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors voting on the measure, the amendment will go into effect on January 7, 2025.
Vote: Senate 29-11; House 79-34

Committee on Ethics and Elections

CS/HB 199 — Ethics Requirements for Officers and Employees of Special Tax Districts

by Ethics, Elections and Open Government Subcommittee and Reps. Hunschofsky and Daley (CS/CS/SB 620 by Governmental Oversight and Accountability Committee; Ethics and Elections Committee; and Senators DiCeglie and Yarborough)

The bill clarifies the limited exception for public officers and employees of qualifying special districts from the general prohibition that bars public officials from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency.

Specifically, the bill clarifies the exception for public officers or employees of a water control district or a special tax district created by general or special law that is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, by specifying that conduct that constitutes a misuse of public position or violates the prohibition on disclosing information that is not otherwise available to the public for their own personal benefit would be considered an impermissible conflict of interest.

In addition, the bill:

- Requires that beginning January 1, 2024, local elected officers of independent special districts and each person who is appointed to fill a vacancy for an unexpired term of such office must complete 4 hours of ethics training covering specified materials.
- Provides that an elected local officer of an independent special district assuming a new office or term of office after March 31 is not required to complete the ethics training for the calendar year in which his or her term of office began.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Ethics and Elections

HB 411 — Residency of Local Elected Officials

by Rep. Steele and others (CS/SB 444 by Rules Committee and Senator Ingoglia)

This bill changes the provision that requires a school board candidate to reside within the residence area for which he or she is running. The bill makes the residency requirement apply when an elected school board member assumes office rather than when he or she qualifies to run as a candidate.

The bill also does the following relating to local redistricting:

- Prohibits county commission districts, municipal districts, and school board member residence areas from being drawn with the intent to favor or disfavor a candidate for the governing body or an incumbent member of the governing body based on the candidate's or incumbent's residential address.
- Requires county commission districts to be as nearly equal in population as practicable.
- Requires municipalities, from time to time, to fix the boundaries of their districts in order to keep them as nearly equal in proportion to their respective populations as practicable.
- Voids any local ordinance adopted by a county, municipality, or school district on or after July 1, 2023, that conflicts with the provisions in the bill.
- Specifies that changes to county commission districts, municipal districts, or school board member residence areas may not be made in the 270 days before a regular general election for the district or residence area.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 29-7; House 87-25

Committee on Ethics and Elections

HB 477 — Term Limits for District School Board Members

by Rep. Rizo and others (CS/CS/SB 1110 by Community Affairs Committee; Ethics and Elections Committee; and Senator Ingoglia)

This bill (Chapter 2023-37, L.O.F.) reduces the length of the term limit for school board members to 8 years from 12 years. The term limit applies to terms of office beginning on or after November 8, 2022.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 30-7; House 79-29

Committee on Ethics and Elections

CS/SB 666 — Form of Candidate Oath

by Ethics and Elections Committee and Senator Collins

This bill revises the required oath format for candidates for non-federal Florida offices to specify that the included address must be the candidate's address of legal residence.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 100-16

Committee on Ethics and Elections

CS/CS/SB 774 — Ethics Requirements for Public Officials

by Rules Committee; Ethics and Elections Committee; and Senator Brodeur

The bill revises ethics requirements for public officials as follows.

Disclosure of Financial Interests

Related to financial disclosures, the bill:

- Requires, beginning January 1, 2024, certain local officers (mayors and elected members of the governing body of a municipality) and Commission on Ethics members to file a Form 6 (full and public disclosure of financial interests) with the Commission on Ethics through the Commission's electronic filing system.
- Exempts local officers who are required to file a Form 6 from the present requirement to file the more limited Form 1 (statement of financial interests).
- Clarifies that a candidate for an elected office that requires a filing of a Form 6 must file such at the time of qualifying as a candidate for that office.
- Requires an individual appointed to fill a vacancy for which an elected local officer was required to file a Form 6, to file one annually for the remainder of the appointee's term.
- Maintains current law, beginning January 1, 2024, that each Form 1 filer must file his or her annual Form 1 financial disclosure by filling out his or her Form 1 on the Commission on Ethic's electronic filing system by the due date annually and extends the filing deadline from 5:00 p.m. to 11:59 p.m.
- As a conforming change, removes supervisors of elections from being involved in the Form 1 filing process, except for non-incumbent candidates.
- Requires, beginning January 1, 2024, local officers to file their quarterly reports of the names of clients represented for a fee or commission through the Commission's electronic filing system.
- Allows Form 1 and Form 6 filers to submit federal income tax returns, including all associated attachments and schedules, to report income and requires that filers who choose to file a federal income tax return to report income must also include all attachments and schedules associated with the tax return.

Related to the Commission's electronic filing system, the bill:

- Requires the system to have the capability to allow filers to upload attachments, including federal income tax returns.
- Requires the Commission's instructions for the system to notify filers that certain personal account information should not be included in the filing.
- Removes language allowing Form 1 and Form 6 filers to fill out and submit paper versions of the forms to the Commission through mail.
- Requires the Commission to notify Form 1 and Form 6 filers by email of all deadlines for filing instructions for the electronic filing system.

- Specifies that the only determining factor the Commission may use in determining the amount of fines for late submission of a Form 1 or Form 6 is the date the filer submitted their Form 1 or Form 6 on the Commission's electronic filing system.

Candidate Qualifications in Respect to Financial Disclosures

- The bill adds language to the Election Code allowing filers of Form 1 and Form 6 financial disclosure statements to submit a verification or receipt of the filing to the qualifying officer at the time of qualifying, making this section of the Election Code consistent with the Code of Ethics.

Procedures on Complaints and Violations

- The bill allows the Commission to dismiss any complaint or referral for *de minimis* violations of financial disclosures.

Penalty Provisions

- The bill increases the maximum civil penalty that may be imposed by the Commission, from $10,000 to $20,000.

Ethics Training

- The bill adds commissioners of community redevelopment agencies to the new office or new term of office exemption that already exists for constitutional officers and elective municipal officers. Community redevelopment agencies assuming a new office or term of office after March 31 are not required to complete ethics training for the calendar year in which their term of office began.

Lobbyist Registration and Compensation Reporting

- The bill adds clarifying language of what allegations must be contained in a complaint or report initiating the requirement for the Commission to investigate potential violations.
- The bill allows the Commission to dismiss any complaint or investigation from a random audit of lobbying reports, at any stage of disposition, if it determines that the public interest is not served by proceeding further. If the Commission dismisses an action, the Commission must issue a public report stating with particularity its reasons for the dismissal.

Implementation

- Requires the Commission to revise its financial disclosure forms and instructions and any relating rules to conform to changes made by the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 35-5; House 113-2

Committee on Ethics and Elections

CS/SB 7050 — Elections

by Fiscal Policy Committee; Ethics and Elections Committee; and Senator Hutson

The bill continues Florida's commitment to the integrity of elections. The bill increases the security of vote-by-mail ballots, makes changes to enhance the accuracy of Florida's voter rolls, and improves access to reports and data to boost voter confidence.

Specifically, the bill:

- Requires signature matching training for any person whose duties require verification of signatures of vote-by-mail ballots, affidavits, and petitions, and clarifies requirements related to voter signature updates.
- Strengthens regulations related to third-party voter registration organizations to protect individuals who entrust their personal information and voter registration applications to them.
- Requires additional information to be included on voter information cards.
- Implements recommendations from the Department of State's vote-by-mail report to:
  - Require a uniform statewide application form to request a vote-by-mail ballot.
  - Require a vote-by-mail ballot mailing envelope to be clearly marked "Do Not Forward."
  - Revise requirements for picking up a vote-by-mail ballot in person.
  - Provide that if two or more vote-by-mail ballots for the same election are returned in one mailing envelope, none shall be counted.
- Facilitates efficient identification of voters who have moved by enhancing processes for address list maintenance activities.
- Enhances frequency and content of information other governmental entities must provide to the Department of State and supervisors of elections for list maintenance activities that ensure eligibility of voters.
- Specifies that a voter undergoing eligibility review must vote a provisional ballot and provides implementing requirements.
- Enhances content of and revises timeframes for required post-election reports.
- Requires candidates to disclose specified information about outstanding fines related to elections or ethics violations.
- Requires specified information to be provided for presidential electors.
- Clarifies the felony for casting more than one ballot.
- Personally attaches fines imposed against a political committee to the committee chair if the committee fails to pay the fine within 30 days.
- Increases allowable fines for election law violations.
- Creates a new framework regulating voter guides.

The bill modernizes and streamlines campaign finance requirements by:

- Revising reporting frequency for political committees, candidates, and electioneering communications organizations to quarterly outside of the active election cycle.

- Preempting local governments from enacting a reporting schedule that differs from that provided in statute.
- Adding text messages to the list of services and costs that do not constitute contributions that count toward specified limits.

The bill also:

- Saves from repeal under the Open Government Sunset Review Act an exemption for certain voter registration information received from another state or the District of Columbia.
- Prescribes requirements for use of a candidate nickname on the ballot and specifies how candidates with the same surname running for the same office in a general election may be distinguished on the ballot.
- Clarifies that resign-to-run requirements, which apply to persons who qualify for office, do not apply to persons seeking the office of President or Vice President because such persons to not qualify for office under statutory requirements.
- Clarifies the amount supervisors of elections can charge to verify signatures on local issue petitions vs. statewide initiative petitions.
- Modernizes notice requirements throughout the Election Code by authorize notice to be published on specified government websites instead of in a local newspaper.
- Modernizes requirements for precinct boundary data maintained by supervisors.
- Conforms the deadline by which provisional, special vote-by-mail ballots must be cured to the deadline for other provisional ballots.
- Modifies timeframes for meetings of the Elections Canvassing commission, submitting of county returns by county canvassing boards, and certification of presidential electors.
- Makes procedural and clarifying changes to county canvassing board provisions.
- Allows state committeemen and committeewomen to prequalify.
- Clarifies the required number of alternate members of county canvassing boards.
- Requires public, tax-supported buildings to be made available for use as early voting locations upon the request of a supervisor of elections.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.
Vote: Senate 28-12; House 76-34

Committee on Finance and Tax

HB 7063 — Taxation

By Ways and Means Committee; and Rep. McClain (CS/SB 7062 by Appropriations Committee and Finance and Tax Committee)

The bill contains provisions for tax relief and changes to tax policy.

Sales Tax

The bill:

- Permanently exempts from sales tax the sale of:
  - Baby and toddler products, including diapers and wipes.
  - Oral hygiene products.
  - Adult incontinence products.
  - Private investigative services by certain small private investigative agencies.
  - Machinery and equipment used to produce, store, transport, compress, or blend renewable natural gas.
  - Firearm storage devices.
  - Certain cattle fencing.
- Provides two 14-day "back-to-school" sales tax holidays from July 24, 2023, through August 6, 2023, and January 1, 2024, through January 14, 2024, for certain clothing, school supplies, learning aids and puzzles, and personal computers.
- Provides two 14-day "disaster preparedness" sales tax holidays from May 27, 2023, through June 9, 2023, and August 26, 2023, through September 8, 2023, for specified disaster preparedness items.
- Provides a three-month "recreational" sales tax holiday ("Freedom Summer") from May 29, 2023, through September 4, 2023, for specified admissions, boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, residential pool supplies, children's toys, and children's athletic equipment.
- Provides a 7-day "tools" sales tax holiday from September 2, 2023, through September 8, 2023, for tools and equipment needed in skilled trades.
- Provides a one-year sales tax exemption from July 1, 2023, through June 30, 2024, for gas ranges and cooktops.
- Provides a one-year sales tax exemption from July 1, 2023, through June 30, 2024, for certain ENERGY STAR certified refrigerators, refrigerator/freezer combinations, water heaters, and clothes washers and dryers.
- Reduces the sales tax rate on commercial leases from 5.5 percent to 4.5 percent beginning December 2023, and lasting until the rate is permanently reduced to 2 percent in accordance with SB 50 (2021).

Ad Valorem Tax

The bill:

- Expands the property tax exemption for educational property to include certain leased property.
- Redefines "first responder" to include federal law enforcement officers for purposes of the homestead exemption for totally and permanently disabled first responders and the homestead exemption for surviving spouses of first responders who die in the line of duty.
- Clarifies that parsonages, burial grounds, and tombs owned by an entity that owns a house of public worship are used for a religious purpose.
- Clarifies that totally and permanently disabled veterans and surviving spouses may transfer their existing homestead exemption to a new property.
- Allows totally and permanently disabled veterans and surviving spouses who purchase a new homestead in Florida to receive a refund of the taxes they paid in the year of purchase.
- Prohibits the imposition of special assessments on agricultural lands, except that special assessments that are currently pledged for bonds may continue until the bonds have been paid.
- Increases the property values and percentages of variance above which a property appraiser may appeal an assessment change made by a value adjustment board.
- Amends the totally and permanently disabled veteran homestead property tax exemption to incorporate a recent court decision.

Corporate Income Tax

The bill:

- Adopts the Internal Revenue Code in effect on January 1, 2023.
- Creates a temporary corporate income tax credit for expenses incurred in Florida in preparing a facility to produce human breast milk fortifiers.
- Creates a temporary corporate income tax credit for installing a graywater system on residential property in Florida.
- Clarifies that for purposes of calculating the underpayment penalty, contributions to tax donation programs are counted as payments of tax.

Documentary Stamp Tax and Intangible Personal Property Tax

The bill provides a documentary stamp and intangibles tax exemption for certain Small Business Administration 504 loans.

Various Taxes

The bill:

- Increases the annual limit for contaminated site rehabilitation ("brownfields") tax credits from $10 million to $35 million.
- Delays Florida's motor fuel tax on natural gas from January 1, 2024, until January 1, 2026.
- Freezes the local communications services tax rates until January 1, 2026.
- Authorizes a county to levy the local option food and beverage tax in a city or town that levies the municipal resort tax, if the levy is approved by referendum.
- Increases the annual cap on the Strong Families Tax Credit program by $10 million.
- Requires future levies of tourist development tax to be by referendum.
- Increases from 225,000 to 275,000 the population cap under which certain counties are authorized to use up to 10 percent of their tourist development tax receipts on public safety expenses necessitated by tourism.
- Authorizes certain fiscally constrained counties to use up to 10 percent of their tourist development tax receipts on public safety expenses necessitated by tourism.
- Distributes $27.5 million in sales tax receipts for two years for use by thoroughbred race tracks in Florida to promote thoroughbred racing and thoroughbred breeding in Florida.
- Creates a pari-mutuel tax credit equal to the amounts paid by Florida racetracks to the Horseracing Integrity and Safety Association.
- Updates various statutes that require taxes to be imposed by referenda to require that increases and reenactments of taxes be on the ballot in a general election within 48 months of the increase or reenactment becoming effective, and such referenda may be on the ballot only once during that 48 months.
- Appropriates $35 million to the Department of Revenue to reimburse local governments for the property tax refunds issued to property owners whose residential property was rendered uninhabitable by Hurricane Ian or Hurricane Nicole during calendar year 2022.
- Makes non-substantive clarifications to Florida's statute that provides for property tax refunds related to property rendered uninhabitable.

If approved by the Governor, these provisions take effect July 1, 2023, except as otherwise provided in the bill.
Vote: Senate 38-0; House 112-0

Committee on Fiscal Policy

CS/SB 1416 — Dissolution of Marriage

by Fiscal Policy Committee and Senator Gruters

The bill amends laws related to dissolution of marriage. Changes to the laws governing alimony awards which will apply to any final judgment entered on or after July 1, 2023 include:

- The option to award permanent (lifetime) alimony is eliminated, leaving bridge-the-gap, rehabilitative, and durational forms of alimony.
- Rehabilitative alimony is limited to 5 years.
- Durational alimony may not be awarded for a marriage of less than 3 years. The term of an award is limited based on the duration of the marriage, with certain exceptions, and may not exceed the lesser of the obligee's reasonable need or 35 percent of the difference between the parties' net incomes.
- A court must make specific written findings if it requires an obligor to purchase life insurance to secure the award of alimony.
- A court must reduce or terminate an award of alimony if it makes specific written findings that a supportive relationship exists. The bill places the burden on the obligor to prove by a preponderance of the evidence that such a relationship exists. Once proven, the burden shifts to the obligee to prove by a preponderance of the evidence the court should not reduce or terminate alimony.

Current case law allows for the modification or termination of alimony upon "reasonable retirement," a loosely-defined court-created concept. The bill codifies standards and procedures related to retirement of a party in a dissolution of marriage case. If the obligor seeks to retire, the obligor may apply for modification of the alimony award no sooner than 6 months prior to the planned retirement. The bill provides a number of factors the court must consider in determining whether to modify or terminate alimony.

The bill provides that a parent moving to a residence within 50 miles of the primary residence of a child is a substantial change in circumstances. For a modification of parenting plan and time-sharing schedule, the bill eliminates a requirement that a party shows that a change in circumstance was unanticipated.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 34-6; House 102-12

Committee on Fiscal Policy

SB 7064 — Human Trafficking

by Fiscal Policy Committee

The bill establishes a new civil cause of action for a victim of human trafficking. The victim may recover damages and costs against an adult theatre, or its owner, operator, or manager who knowingly allows the human trafficking victim to work, perform, or dance at the adult theatre. In broad, general terms, an adult theatre is an enclosure or business used for presenting performances characterized by sexual activities for observation by its patrons, and which purports to limit admission to adults.

To comply with the statute of limitations, a lawsuit must be brought in circuit court within the same time period that is required for intentional torts based on abuse or sexual battery offenses on victims younger than 16 years. A victim who prevails in the lawsuit may recover economic and noneconomic damages, punitive damages, reasonable attorney fees, and costs.

If an adult theatre "knowingly" fails to obtain and maintain certain age verification documents of its employees and independent contractors, as required by the child labor laws contained in ch. 450, F.S., the current violation is a first degree misdemeanor. Under the bill, that penalty is increased to a third degree felony and the requirement that the violation be done "knowingly" is removed.

The bill amends the educational program penalties that must be imposed upon someone who is convicted of soliciting or enticing another to commit prostitution. In addition to other penalties, the offender must pay for and attend an educational program established by a judicial circuit that teaches the relationship between the demand for commercial sex and human trafficking and its impact on victims, if the program exists in the judicial circuit.

Under existing law, the real or personal property of a person convicted of a human trafficking offense which was used to facilitate human trafficking may be seized and forfeited to a seizing entity. The bill provides that the proceeds of the sale of forfeited property be allocated to pay restitution to the human trafficking victim or victims in the criminal case for which the owner was convicted before any funds may be retained by the seizing government entity for its own use.

The bill requires each certified law enforcement officer to complete 4 hours of training in identifying and investigating human trafficking as part of the basic recruit training or the additional required training.

Finally, the bill establishes the state's unified Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida Trafficking in Persons - Risk to Resilience Lab. The human trafficking data, which must be submitted by law enforcement agencies and other entities, will be used to aid in combatting human trafficking, prosecuting those engaged in human trafficking, and assisting victims of human trafficking.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/CS/CS/HB 49 — Abandoned and Historic Cemeteries

by State Affairs Committee; Infrastructure and Tourism Appropriations Subcommittee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Rep. Driskell and others (CS/SB 430 by Governmental Oversight and Accountability Committee and Senator Powell)

The bill creates the Historic Cemeteries Program (Program) within the Division of Historical Resources (Division). The bill establishes the responsibilities of the Program and specifies the entities to which the Program can provide grants. The State Historic Preservation Officer (Officer) will serve as the director of the Program and employ up to three full-time employees to operate the Program, subject to appropriation of funds.

The bill establishes the Historic Cemeteries Program Advisory Council (Council) within the Division. The Secretary of State will appoint nine members to the Council to staggered terms, who must be regionally distributed and representative of communities throughout the state. The bill establishes the duties and responsibilities of the Council and provides that the members serve without compensation, but may receive per diem and reimbursement for travel expenses.

The bill amends the definition of "legally authorized person" for the purpose of ch. 497, F.S., "Funeral, Cemetery, and Consumer Services," to include members of representative community organizations. This authorizes a funeral director to obtain written authorization from a member of a representative community organization, if no family, guardian, or other representative exists, prior to the disinterment and reinterment of human remains. The bill also amends the definition of "conservation easement," to include abandoned and neglected cemeteries that are 50 or more years old. This change permits a governmental body or agency, or charitable corporation or trust to acquire a conservation easement in certain abandoned and neglected cemeteries.

The bill appropriates $242,433 in recurring funds for three full-time positions and $12,021 in nonrecurring funds for the Program. The bill also appropriates $1 million in nonrecurring funds to the Department of State for the distribution of grants under the Program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 110 — State Board of Administration

by Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Hooper

The bill makes several changes to the investing capabilities and other responsibilities of the State Board of Administration (SBA). Specifically, the bill:

- Allows the SBA to hold its real estate investments in subsidiaries, and allows them to be grouped into a real estate financing pool, through which it may generate additional income;
- Raises the cap on alternative investments from 20 to 30 percent of the value of the total portfolio;
- Amends the due diligence information required to be given to the Investment Advisory Council in advance of investment in vehicles that are not explicitly approved by statute;
- Clarifies that the SBA may not pay benefits to a member of the Investment Plan who has been charged with, or convicted of, specific offenses that evince a breach of the public trust;
- Permits a waiver of the requirement that a member of the FRS who wishes to designate a non-spouse as his or her beneficiary receive an acknowledgement of that designation from the spouse;
- Revises the definition of the term "Boycott Israel" in s. 215.4725, F.S., relating to prohibited investments by the SBA, to expand the circumstances under which a company may be added to the list of scrutinized companies that boycott Israel; and
- Updates terminology.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 119-0

Committee on Governmental Oversight and Accountability

CS/SB 234 — Statutorily Required Reports

by Fiscal Policy Committee and Senator Avila

The bill (Chapter 2023-41, L.O.F.) requires the Division of Library and Information Services (division) within the Department of State to create and administer an Internet-based system to which state agencies, water management districts, and other state entities must electronically submit their statutorily required reports.

The online system must be implemented by January 1, 2024, and must allow members of the public to search for and access statutorily required reports by recipient, submitter, date, applicable statute, title, topic, or keyword. Additionally, the online system must provide users with the ability to receive notifications of the filing of statutorily required reports based on user-defined criteria.

Each state entity must redact its submissions if the submissions include any information that is not subject to public inspection. This bill does not impact a state entity's duties to retain or archive documents in accordance with law.

The bill requires the division to compile a list of statutorily required reports and their submission dates by November 1, 2023. By January 1, 2024, and each quarter thereafter, the division must also update bibliographic information for each statutorily required report and provide it to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill appropriates $1 million in nonrecurring funds from the General Revenue Fund to implement and maintain the new system.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/SB 242 — Fiscal Accountability

by Governmental Oversight and Accountability Committee and Senator Garcia

The bill requires any nonprofit organization that receives state funds through a contract with the State, on or after July 1, 2023, to post documents that indicate the amount of state funds it used for the remuneration of its board of directors or officers to the Florida Accountability Contract Tracking System (FACTS).

The bill requires state entities that execute, amend, or extend a contract with a nonprofit organization on or after July 1, 2023, to include in the contract a requirement that the nonprofit provide documentation evincing its use of state funds for remuneration on a per-contract and per-allocation basis. The required documentation must specify the amounts and recipients of the remuneration. The bill also requires a state entity to post this documentation to the FACTS, and the nonprofit organizations to post this documentation to its website, if it maintains one.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 256 — Employee Organizations Representing Public Employees

by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Ingoglia

The bill (Chapter 2023-35, L.O.F.) amends ch. 447, F.S., relating to public employer collective bargaining, to impose several new requirements on the employee organizations that represent public employees in collective bargaining. Specifically, the bill:

- Requires employees who wish to join certain employee organizations to sign a membership authorization form that is prescribed by the Public Employees Relations Commission (PERC), which must contain specific information.
- Requires specific employee organizations to allow a member to revoke his or her membership in the organization at any time, and without any reason.
- Allows the PERC to inspect specific employee organization's membership authorization forms and membership revocation forms.
- Prohibits certain employee organizations from receiving their members' dues and assessments via salary deduction from the members' public employer.
- Expands the information required in an employee organization's annual registration renewal with the PERC. This newly required information includes information that relates to the number and percentage of dues-paying members in each bargaining unit. In addition, the employee organization's current annual financial report must be audited by an independent certified public accountant.
- Authorizes the public employer or an employee who is eligible for representation in the bargaining unit to challenge the application for registration renewal. The PERC must investigate to confirm the information submitted.
- Requires the employee organization to be recertified as the bargaining agent if the number of employees paying dues to the employee organization during the last registration period is less than 60 percent of the number of employees eligible for representation in the bargaining unit.
- Requires the certified bargaining agent to provide certain information to its members, including the annual costs of membership.
- Expands the prohibited activities by certain employee organizations and its representatives.
- Allows a public employer to petition the PERC to waive in certain instances the prohibition on dues deductions by public employers, the requirement for an employee organization to petition for recertification, and the revocation of certification of an employee organization as a certified bargaining agent.

These provisions became law upon approval by the Governor on May 9, 2023, except as otherwise provided.
Vote: Senate 23-17; House 72-44

Committee on Governmental Oversight and Accountability

CS/CS/SB 258 — Prohibited Applications on Government-issued Devices

by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Burgess

The bill (Chapter 2023-32, L.O.F.) directs the Department of Management Services (DMS) to create a list of prohibited applications, defined as those that (1) are created, maintained, or owned by a foreign principal and that engage in specific activities that endanger cybersecurity; or (2) present a security risk in the form of unauthorized access to or temporary unavailability of a public employer's information technology systems or data, as determined by the DMS.

The bill requires public employers (including state agencies, public education institutions, and local governments) to:

- Block access to prohibited applications on any wireless network or virtual private network that it owns, operates, or maintains;
- Restrict access to prohibited applications on any government-issued device; and
- Retain the ability to remotely wipe and uninstall prohibited applications from a compromised government-issued device.

All persons are prohibited from downloading prohibited applications on a government-issued device, and officers and employees of a public employer must remove any prohibited application from their government-issued devices within 15 calendar days of the DMS' issuance of a list of prohibited applications.

The bill allows the use of prohibited applications by law enforcement officers, if the use is necessary to protect the public safety or to conduct an investigation. It also allows other government employees to use a prohibited application, if they are granted a waiver by the DMS.

The bill provides emergency rulemaking authority to the DMS to adopt a list of prohibited applications, and general rulemaking authority to implement a process by which it can grant waivers from the prohibition.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 38-0; House 115-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 284 — Energy

by Finance and Tax Committee; Governmental Oversight and Accountability Committee; and Senator Brodeur

The bill revises the vehicle procurement requirements for the state purchasing plan. Specifically, the bill requires vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs, including costs for fuel, operations, and maintenance rather than on the greatest fuel efficiency available, when fuel economy data is available. The current exemption to this requirement is continued for emergency response vehicles.

The bill requires, when available, the use of ethanol and biodiesel blended fuels and natural gas fuel when a state agency purchases a vehicle with an internal combustion engine.

The bill requires the Department of Management Services to make recommendations by July 1, 2024, regarding the procurement of electric vehicles and natural gas fuel vehicles along with the best practices for integrating these vehicles into existing fleets.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 115-1

Committee on Governmental Oversight and Accountability

CS/CS/HB 535 — Funeral Service Benefits for Public Safety Officers

by State Affairs Committee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Rep. Botana and others (CS/CS/SB 364 by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Avila)

The bill creates the "Respecting Their Sacrifice Act." The bill permits the head of a state or local law enforcement agency to authorize travel expenses for a law enforcement officer to attend a funeral within the state of a law enforcement officer who was killed in the line of duty.

The bill increases the amount that must be paid towards the funeral or burial expenses of a law enforcement, correctional, or correctional probation officer who was employed full time by a state agency and killed in the line of duty while performing law enforcement duties or as a result of an assault against the officer under riot conditions from $1,000 to $10,000.

The bill requires the head of a state or local law enforcement agency to grant up to 8 hours of administrative leave to a law enforcement officer in order for the officer to attend the funeral service of another officer from the agency who was killed in the line of duty. The bill authorizes the denial of such leave to maintain minimum or adequate staffing levels.

The bill also expands a definition of "official state business" for a law enforcement officer to allow the use of a state vehicle to attend the funeral within the state of a law enforcement who was killed in the line of duty.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 110-0

Committee on Governmental Oversight and Accountability

CS/HB 621 — Death Benefits for Active Duty Servicemembers

by State Affairs Committee and Reps. Barnaby, Maney, and others (CS/SB 1094 by Governmental Oversight and Accountability Commmittee and Senator Martin)

The bill increases the death benefit paid by the state for a member of the U.S. Armed Forces who is killed while not engaged in official duties. The death benefit is increased from $25,000 to $75,000 (identical to the members on active duty and killed while engaged in official duties). The bill maintains the current law exclusion that a servicemember is not eligible for the benefit in event of suicide or otherwise intentionally self-inflicted injury.

The bill provides that a servicemember may designate a beneficiary in a process set out by the Department of Military Affairs (DMA). The bill requires that proof of residency or duty post of the deceased servicemember at the time of the member's death must be provided to the DMA, in a manner prescribed by the department, in order to qualify for benefits.

The bill clarifies the payment process for the benefit by requiring the DMA to request that the Chief Financial Officer (CFO) draw warrants from the General Revenue Fund for the payment of benefits. The bill grants the DMA and the Department of Financial Services rulemaking authority to adopt rules and procedures appropriate and necessary to implement the regulation and distribution of death benefits of active duty servicemembers.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 108-0

Committee on Governmental Oversight and Accountability

CS/SB 726 — Library Cooperative Grants

by Governmental Oversight and Accountability Committee and Senator Rodriguez

The bill removes the cap of $400,000 for the annual grant to any of Florida's five regional library cooperatives. Grants provided through the Division of Library and Information Services within the Department of State (department) are appropriated by the Legislature, and are used for the purpose of sharing library resources.

In recent years, the Legislature has appropriated $2 million annually for library cooperative grants, and each cooperative received the maximum $400,000 grant. If the bill becomes law, and if the Legislature appropriates more than $2 million, the department will be able to allocate amounts over the current $400,000 threshold.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/CS/HB 1121 — Florida Retirement System

by State Affairs Committee; Constitutional Rights, Rule of Law and Government Operations Subcommittee; and Reps. Bartleman, Tomkow, and others (CS/SB 1156 by Governmental Oversight and Accountability Committee and Senator Burton)

The bill allows a retiree to provide certain volunteer services to a Florida Retirement System (FRS) employer while maintaining his or her bona fide termination status, which is required for the payment of retirement benefits to the retiree.

Under the bill, an FRS employer may establish a post-employment volunteer program that will not negatively impact a volunteer's status as a bona fide retiree if the program meets all of the following criteria:

- At the time of retirement, there is no agreement or understanding between an FRS employer and the retiree that the retiree would provide services to an employer post-retirement.
- The employer or third party does not provide any form of compensation to the volunteer for the volunteer services.
- Employee benefits are not to be provided to the volunteer, except in certain limited instances.
- The number of volunteer hours per week is limited to no more than 20 percent of the amount of time that was expected of the retiree per week before retirement.
- A clear distinction between the duties of a volunteer and the duties of an employee is required.
- Each volunteer maintains control of his or her volunteer schedule.
- Adequate record keeping is maintained by the volunteer and the FRS employer.

The bill is not expected to impact state and local government revenues and expenditures.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 109-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 1188 — Contract Liability

by Fiscal Policy Committee; Governmental Oversight and Accountability Committee; and Senator Boyd

The bill requires each state agency contract for more than $35,000 of contractual services to include a provision limiting a vendor's liability to a defined monetary threshold. The bill requires all contracts for services in excess of $35,000 to include a provision limiting vendor liability for direct damages to the greater of $100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order. This limitation of liability clause does not impact other contractual provisions relating to indemnification for any contractual services or insurance coverage for professional services contracts.

This requirement also applies to purchases by the early learning coalitions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Governmental Oversight and Accountability

CS/CS/SB 1310 — Substitution of Work Experience for Postsecondary Education Requirements

by Rules Committee; Community Affairs Committee; and Senators DiCeglie and Hooper

The bill limits a public employer (state agency or branch, state university and public college, county, city, special district, school board, or any other governmental entity) from including postsecondary education requirements as a baseline requirement for a job except as an alternative to a specified number of years of direct experience necessary to qualify for a job.

An agency is permitted to substitute verifiable, related work experience in lieu of postsecondary educational requirements when contracting for services if the person seeking the contract is otherwise qualified for the contract.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 114-0

Committee on Governmental Oversight and Accountability

CS/HB 1441 — Florida Museum of Black History

by Constitutional Rights, Rule of Law and Government Operations Subcommittee and Rep. Antone and others (CS/SB 1606 by Governmental Oversight and Accountability Committee and Senator Powell)

The bill (Chapter 2023-72, L.O.F.) creates a Florida Museum of Black History Task Force within the Division of Historical Resources. The purpose of the task force is to provide recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History. The task force members shall be appointed by the Governor, President of the Senate, and the Speaker of the House of Representatives, and serve without compensation.

The bill requires the task force to submit a report detailing its plans and recommendations to the Governor, President of the Senate, Speaker of the House, the Senate Minority Leader, and the House Minority Leader by July 1, 2024, at which point the task force will expire.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Governmental Oversight and Accountability

CS/SB 1616 — Public Records/Transportation and Protective Services

by Rules Committee and Senator Martin

The bill (Chapter 2023-58, L.O.F.) exempts from public records copying and inspection requirements those records held by a law enforcement agency relating to security and transportation services provided for the Governor, the Governor's immediate family, visiting governors and the governors' families, and other persons as requested by certain state officials, and the Governor's office and mansion. The exemption applies to records held by a law enforcement agency before, on, or after the bill becoming a law.

The bill makes findings, as required by the State Constitution, that the new exemption from public records disclosure is a public necessity.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

These provisions became law upon approval by the Governor on May 11, 2023.
Vote: Senate 28-12; House 84-31

Committee on Governmental Oversight and Accountability

SB 7006 — OGSR/Nationwide Public Safety Broadband Network

by Governmental Oversight and Accountability Committee

The bill amends s. 119.071, F.S., to continue to keep confidential and exempt from public disclosure information held by an agency which is related to the Nationwide Public Safety Broadband Network. The exemption applies to information that would reveal:

- The design, development, construction, deployment, and operation of network facilities;
- Network coverage, including geographical maps showing actual or proposed locations of network infrastructure;
- The features, functions, and capabilities of network infrastructure and facilities, and network services provided to first responders;
- The design, features, functions, and capabilities of network devices provided to first responders and other network users; or
- Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 108-0

Committee on Governmental Oversight and Accountability

SB 7008 — OGSR/Building Plans, Blueprints, Schematic Drawings, and Diagrams

by Governmental Oversight and Accountability Committee

The bill amends s. 119.071, F.S., to save from repeal the public records exemption for information relating to the following information held by an agency:

- Building plans;
- Blueprints;
- Schematic drawings; and
- Diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development.

The bill removes superfluous language regarding the release of the exempt information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 38-0; House 109-0

Committee on Governmental Oversight and Accountability

CS/SB 7024 — Retirement

by Appropriations Committee and Governmental Oversight and Accountability Committee

The bill makes changes to the Florida Retirement System and the Retiree Health Insurance Subsidy.

The bill changes the normal retirement date for Special Risk Class members who enrolled on or after July 1, 2011, to age 55 with 8 years of service or at any age with 25 years of service in the Special Risk Class.

The bill also makes three changes to the Deferred Retirement Option Program (DROP), effective upon becoming a law. These changes:

- Allow all FRS members, regardless of class membership and occupation, to enroll in DROP at any time after reaching the normal retirement date, rather than within the 1-year period immediately following their normal retirement date.
- Extend the maximum time a member can participate in DROP from 5 years to 8 years, regardless of class membership and occupation, and from 8 years to 10 years for certain K-12 instructional personnel.
- Increase the DROP interest rate from 1.3 percent to 4 percent on DROP accumulations held on or after July 1, 2023.

The bill increases the employer-paid contributions to Investment Plan member accounts by 2 percent of the member's compensation.

The bill establishes the employer-paid contribution rates for each class of employee and officer participating in the FRS beginning July 1, 2023. These rates should fund the normal cost as well as the amortized unfunded actuarial liabilities of the Florida Retirement System.

The bill increases the monthly retiree health insurance subsidy (HIS), from $5 to $7.50 for each year of the recipient's service. The maximum HIS benefit is now $225 per month, up from $150 per month. The minimum subsidy an eligible retiree can receive is also increased from $30 per month to $45 per month. These benefits are funded by an increase from 1.66 percent to 2 percent of payroll of the employers participating in the FRS.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law, except as otherwise provided.
Vote: Senate 38-0; House 112-0

Committee on Health Policy

CS/HB 33 — Psychology Interjurisdictional Compact

by Health and Human Services Committee and Reps. Hunschofsky, Koster, and others (CS/SB 56 by Health Policy Committee and Senators Harrell and Davis)

The bill establishes Florida as a member state in the Psychology Interjurisdicational Compact (PSYPACT or compact) through enactment of the PSYPACT. Pursuant to the compact, and with appropriate authorizations, a licensed psychologist may engage in the practice of interjurisdictional telepsychology and also obtain a temporary authorization to practice psychology in-person, face-to-face, for up to 30 days per calendar year with clients and patients in member states other than the one in which he or she is licensed. Upon the bill becoming law, Florida joins 36 other states in the compact.

The bill also:

- Requires the Florida Department of Health to participate in the coordinated licensure information system (coordinated system) and to report any significant investigatory information relating to a psychologist practicing under the PSYPACT to the coordinated system.
- Requires the monitoring contract of a psychologist practicing under the PSYPACT who is in the impaired practitioner program to require withdrawal from all practice under the compact.
- Requires the Florida Board of Psychology to appoint an individual to be the state's commissioner on the PSYPACT commission.
- Exempts from licensure in this state a psychologist licensed in another state who is practicing only pursuant to the PSYPACT.
- Authorizes the Board of Psychology to take adverse action against a psychologist's credentials to practice pursuant to the PSYPACT and to impose any other applicable penalties for violation of the compact.
- Designates the state's commissioner on the PSYPACT commission and others, when acting in this state within the scope of his or her compact responsibilities, to be an agent of the state for purposes of the limited waiver of sovereign immunity and provides that the commission shall pay any claims or judgments pursuant to the waiver of sovereign immunity.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Health Policy

HB 35 — Public Records and Meetings/Psychology Interjurisdictional Compact

by Reps. Hunschofsky, Koster, and others (CS/CS/SB 58 by Appropriations Committee on Health and Human Services; Health Policy Committee; and Senator Harrell)

The bill creates public record and public meeting exemptions for the Psychology Interjurisdictional Compact (PSYPACT).

The bill protects from public disclosure a psychologist's personal identifying information, other than the psychologist's name, licensure status, or license number, obtained from the coordinated licensure information system (coordinated system) and held by the Florida Department of Health or Board of Psychology, unless the state that originally reported the information to the coordinated system authorizes the disclosure by law.

The bill exempts a meeting or a portion of a meeting of the PSYPACT Commission (commission) if the commission must discuss:

- A compact state's noncompliance.
- Matters related to the commission's internal personnel practices and procedures.
- Current, threatened, or reasonably anticipated litigation.
- Contract negotiations.
- Accusation of any person of a crime or a formal censure of a person.
- Information disclosing trade secrets or commercial or financial information that is privileged or confidential.
- Personal information in which disclosure would constitute a clearly unwarranted invasion of personal privacy.
- Investigatory records compiled for law enforcement purposes.
- Information related to investigatory reports for use by the commission regarding compliance issues pursuant to the compact.
- Matters specifically exempted from disclosure by federal or state statute.

Recordings, minutes, and records generated during an exempt commission meeting are exempted from the public records provisions.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature. The bill provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on the same date that CS/HB 33 takes effect.
Vote: Senate 39-0; House 116-0

Committee on Health Policy

CS/CS/HB 121 — Florida Kidcare Program Eligibility

by Health Care Appropriations Subcommittee; Healthcare Regulation Subcommittee; and Reps. Bartleman, Trabulsy, and others (CS/CS/SB 246 by Fiscal Policy Committee; Appropriations Committee on Health and Human Services; and Senators Calatayud, Perry, Osgood, and Rodriguez)

The bill raises the income eligibility limits for the subsidized MediKids, Florida Healthy Kids, and Children's Medical Services Network programs within the Florida Kidcare program from 200 percent to 300 percent of the federal poverty level (FPL), effective January 1, 2024. The bill also requires the Florida Healthy Kids Corporation to revise the monthly premiums for enrollees in households over 150 percent of the FPL who are not otherwise exempt from premiums, based on a minimum of three, but not more than six, income-based tiers.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 105-0

Committee on Health Policy

CS/CS/HB 139 — Benefits, Training, and Employment for Veterans and Their Spouses

by Appropriations Committee; Healthcare Regulation Subcommittee; and Rep. Woodson and others (CS/SB 858 by Health Policy Committee and Senators Torres, Wright, Avila, Brodeur, Simon, Powell, Stewart, Osgood, Thompson, Collins, Davis, Harrell, Book, Jones, and Garcia)

The bill expands the purposes of the Florida Department of Veterans' Affairs and Florida Is For Veterans, Inc., to include veterans' spouses. The bill establishes the Office of Veteran Licensure Services (OVLS) within the Department of Health (DOH) to assist active duty members of the U.S. Armed Forces, the U.S. Reserve Forces, the National Guard, and veterans and their spouses in obtaining health care practitioner licensure under s. 456.024, F.S. The bill requires the executive director of the OVLS to be a veteran.

The bill requires the OVLS to:

- Provide information, guidance, direction, and assistance with the licensure process;
- Coordinate with each health practitioner regulatory board, or the department if there is no board, to expedite all applications submitted pursuant to s. 456.024, F.S.;
- Refer an individual requesting assistance with résumé writing and proofreading, job application completion, and interviewing skills and techniques, or information about educational or employment opportunities in health care professions, to Florida Is For Veterans, Inc.; and
- Submit a report by Veterans Day each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must categorize each individual served as an active duty member, a veteran, or a veteran's spouse and must include specific data.

The bill also makes technical changes to statutory provisions related to the inclusion of veterans' spouses and the waiver of certain fees for veterans and their spouses.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Health Policy

SB 218 — — Genetic Counselors Using Telehealth

by Senator Harrell

The bill amends the definition of "telehealth provider" in s. 456.47, F.S., to include licensed genetic counselors, thereby allowing those practitioners to provide health care and related services within their scope of practice using telehealth.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 116-0

Committee on Health Policy

CS/CS/SB 230 — Health Care Practitioner Titles and Designations

by Rules Committee; Health Policy Committee; and Senator Harrell

The bill creates s. 456.0651, F.S., for health care practitioner titles and designations. The bill defines "advertisement," "educational degree," "misleading, deceptive, or fraudulent representation," and "profession" for the purposes of the new section.

The bill provides that if someone other than an allopathic or osteopathic physician attaches to his or her name any of the titles or designations listed in the bill, in an advertisement or in a manner that is misleading, deceptive, or fraudulent, the person is practicing medicine or osteopathic medicine without a license and is subject to the provisions of s. 456.065, F.S., relating to the unlicensed practice of a health care profession. The bill provides exceptions for certain professions and certain titles and provides that practitioners may use titles and specialty designations authorized under their respective practice acts.

The bill amends s. 456.072(1)(t), F.S., to provide that:

- A practitioner's failure to wear a name tag, which must include his or her name and profession, when treating or consulting with a patient, is grounds for discipline unless he or she is providing services in his or her own office where the practitioner's license is prominently displayed in a conspicuous area and the practitioner verbally identifies himself or herself to all new patients by name and profession in manner that does not constitute the unlicensed practice of medicine or osteopathic medicine as provided in s. 456.0651, F.S.
- Any advertisement naming a practitioner must include the practitioner's profession and educational degree.
- Practitioner regulatory boards, or the Department of Health if there is no board, must adopt rules to determine how their practitioners must comply with the bill's amendments to this paragraph of statute.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 78-34

Committee on Health Policy

CS/CS/SB 238 — Public Records/Protection from Discrimination Based on Health Care Choices

by Fiscal Policy Committee; Health Policy Committee; and Senators Burton and Perry

The bill (Chapter 2023-42, L.O.F.) amends s. 381.00318, F.S., to expand and conform that statute's public records exemption (PRE) provisions to match the changes made to ss. 381.00316 and 381.00319, F.S., in CS/SB 252. Specifically, the bill provides that documents relating to a complaint alleging a violation of ss. 381.00316, 381.00317, or 381.00319, F.S., by a business entity, governmental entity, or an educational institution, held by the Department of Legal Affairs (DLA) or the Department of Health (DOH), are confidential and exempt from public records provisions of s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution.

The exemption lasts until the investigation into the complaint is completed or ceases to be active, unless releasing the information would jeopardize the integrity of another active investigation, reveal medical information about an individual, or reveal information about an individual's religious beliefs. Information made confidential and exempt may be released to a business or governmental entity or education institution in furtherance of the entity's or institution's lawful duties and responsibilities and may also be released in an aggregated form.

The bill provides legislative findings and extends the Open Government Sunset Review Act repeal date to October 2, 2028.

These provisions were approved by the Governor and take effect June 1, 2023.
Vote: Senate 31-4; House 96-19

Committee on Health Policy

CS/SB 252 — Protection from Discrimination Based on Health Care Choices

by Fiscal Policy Committee and Senators Burton and Perry

The bill (Chapter 2023-43, L.O.F.) amends several statutes in order to prohibit mask mandates; mandates on emergency use authorization (EUA) vaccinations, messenger ribonucleic acid (mRNA) vaccinations, and COVID-19 vaccinations; and COVID-19 testing mandates in educational institutions, business entities, and governmental entities. The bill prohibits these entities and institutions from requiring proof of a vaccination with one of the specified types of vaccinations, post-infection recovery from COVID-19, or a COVID-19 test to gain access to, entry upon, or service from the entity or institution.

The bill also prohibits business and governmental entities from certain employment practices based on an employee's, or a potential employee's, vaccination or COVID-19 post-infection status or the refusal to take a COVID-19 test. The bill specifies that hospitals and ambulatory surgical centers may not discriminate in the provision of health care to a patient based solely on that patient's vaccination status with the COVID-19 vaccine. The bill's provisions relating to mRNA vaccines are repealed on June 1, 2025.

Additionally, the bill prohibits business entities, governmental entities, and educational institutions from requiring a person to wear a mask, a face shield, or any other facial covering that covers the nose and mouth or denying a person access to, entry upon, service from, or admission to such entity or institution or otherwise discriminating against any person based on his or her refusal to wear a mask, face shield, or other facial covering. The bill provides exceptions to these prohibitions for health care providers and practitioners, as long as the provider or practitioner meets specific requirements established by the bill, and for circumstances in which a mask or facial covering is required safety equipment.

Business entities and governmental entities that violate the bill's mask or vaccine mandate prohibitions are subject to discipline by the Department of Legal Affairs (DLA) while educational institutions are subject to discipline by the Department of Health (DOH). Such discipline may include fines of up to $5,000 for each violation.

The bill establishes requirements for mandating masks in health care settings. Effective upon the bill becoming a law, the bill requires the DOH and the Agency for Health Care Administration (AHCA) to jointly develop standards for the use of facial coverings in such settings by July 1, 2023, and requires each health care provider and health care practitioner who operates or manages an office to establish policies and procedures for facial coverings by August 1, 2023, that are consistent with the standards adopted by the DOH and the AHCA if they require any individual to wear a mask.

The bill prohibits governmental entities and educational institutions from adopting, implementing, or enforcing an international health organization's guidelines unless authorized by state law, rule, or executive order issued pursuant to a declared emergency.

The bill also creates and amends several statutes related to the provision of health care for COVID-19 including:

- Prohibiting a hospital from interfering with COVID-19 treatment alternatives that are recommended by a health care practitioner with privileges at the hospital;
- Requiring a health care practitioner to obtain specified informed consent from a patient before prescribing any medication for the treatment of COVID-19 to the patient; and
- Prohibiting a pharmacist from being disciplined for properly dispensing medications prescribed for the treatment of COVID-19.

These provisions were approved by the Governor and take effect June 1, 2023, except as otherwise provided.
Vote: Senate 29-6; House 84-31

Committee on Health Policy

CS/SB 254 — Treatments for Sex Reassignment

by Health Policy Committee and Senators Yarborough, Perry, and Broxson

The bill (Chapter 2023-90, L.O.F.) creates several requirements, authorizations, prohibitions, and other provisions relating to medical treatments for the purpose of sex reassignment.

Definitions

The bill defines "sex" to mean the classification of a person as either male or female based on the organization of the human body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

The bill defines "sex-reassignment prescriptions or procedures" to mean:

- The prescription or administration of puberty blockers for the purpose of attempting to stop or delay normal puberty in order to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex;
- The prescription or administration of hormones or hormone antagonists to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex; or
- Any medical procedure, including a surgical procedure, to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex.

The bill provides that the definition of "sex-reassignment prescriptions or procedures" does not include:

- Treatment provided by a physician who, in his or her good-faith clinical judgment, performs procedures upon or provides therapies to a minor born with a medically verifiable genetic disorder of sexual development;
- Prescriptions or procedures to treat an infection, an injury, a disease, or a disorder that has been caused or exacerbated by the performance of any sex-reassignment prescription or procedure, regardless of whether such prescription or procedure was performed in accordance with state or federal law; or
- Prescriptions or procedures provided to a patient for the treatment of a physical disorder, physical injury, or physical illness that would, as certified by a licensed allopathic or osteopathic physician, place the individual in imminent danger of death or impairment of a major bodily function without the prescription or procedure.

Restrictions on Health Care Practitioners

The bill provides that sex-reassignment prescriptions or procedures may not be prescribed, administered, or performed except by a licensed allopathic or osteopathic physician or a physician practicing medicine or osteopathic medicine in the employment of the federal government.

Under the bill, sex-reassignment prescriptions and procedures are prohibited for patients younger than 18 years of age, except that:

- The Board of Medicine and the Board of Osteopathic Medicine (boards) are directed to, within 60 days after the bill's effective date, adopt emergency rules pertaining to standards of practice under which a patient younger than 18 years of age may continue to be treated by a physician with a prescription for sex-reassignment if such treatment was commenced before, and is still active on, the bill's effective date.
- In developing such rules, the boards are directed to consider requirements for physicians to obtain informed consent from such patient's parent or legal guardian under certain parameters and to consider the provision of professional counseling services for such patient by a board-certified psychiatrist or a licensed psychologist in conjunction with such prescription treatment.
- A patient younger than 18 years of age may continue to be treated by a physician with prescriptions for sex-reassignment according to the emergency rules, or nonemergency rules adopted to replace the emergency rules, if such treatment was commenced before, and is still active on, the bill's effective date.

The bill requires that if sex-reassignment treatments are prescribed for or administered or performed on patients 18 years of age or older, consent must be voluntary, informed, and in writing on forms adopted in rule by the boards and that consent is voluntary and informed only if the physician who is to prescribe or administer the pharmaceutical product or perform the procedure has, at a minimum, while physically present in the same room:

- Informed the patient of the nature and risks of the treatment in order for the patient to make a prudent decision;
- Provided the informed consent form to the patient; and
- Received the patient's written acknowledgment, before the prescription or procedure is prescribed, administered, or performed, that the information required to be provided has been provided.

The bill provides that the requirements for consent do not apply to renewals of prescriptions if a physician and his or her patient have met the requirements for consent for the initial prescription or renewal. However, separate consent is required for any new prescription for a pharmaceutical product not previously prescribed to the patient.

The bill provides that a health care practitioner's violation of the bill's provisions constitutes grounds for disciplinary action and that:

- Any health care practitioner who willfully or actively participates in a violation of the bill's provisions relating to treating a minor commits a felony of the third degree; and
- Any health care practitioner who violates the bill's provisions relating to treating an adult commits a misdemeanor of the first degree.

The bill requires the boards to adopt emergency rules to implement the provisions described above and that any emergency rules adopted under the bill will remain in effect until replaced by rules adopted under nonemergency rulemaking procedures.

The bill amends s. 456.074, F.S., relating to immediate suspension of a health care practitioner's license to provide that the Department of Health must issue an emergency order suspending a practitioner's license if the practitioner is arrested for committing, or attempting, soliciting, or conspiring to commit, a violation of the bill's prohibitions against providing sex-reassignment treatments to a minor.

Prohibition Against Expenditure of State Funds

The bill creates s. 286.31, F.S., to provide that a governmental entity as defined in the bill, a public postsecondary educational institution as described in s. 1000.04, F.S., the state group health insurance program, a managing entity as defined in s. 394.9082, F.S., or a managed care plan providing services under Statewide Medicaid Managed Care may not expend state funds as described in s. 215.31, F.S., for sex-reassignment prescriptions or procedures.

Court Jurisdiction for Child Custody

The bill amends Florida's Uniform Child Custody Jurisdiction and Enforcement Act to provide that:

- In addition to other conditions in current law that result in a court in Florida having temporary emergency jurisdiction over child custody if a child is present in this state, a court in Florida has such jurisdiction if it is necessary in an emergency to protect a child who has been subjected to or is threatened with being subjected to sex reassignment treatments; and
- Regarding the current-law authorization for a petitioner to file an application with a court for a warrant to take physical custody of a child if the child is likely to imminently suffer serious physical harm or removal from this state, the term "serious physical harm" includes, but is not limited to, being subjected to sex-reassignment treatments.

Civil Liability

The bill authorizes a person to bring a medical negligence action under ch. 766, F.S., to recover damages for personal injuries or death as a result of a prohibited sex-reassignment prescription or procedure provided to a person younger than 18 years of age. The action may be commenced within 20 years after the cessation or completion of the sex-reassignment treatment. If the action is successful, any award for punitive damages is exempt from the existing statutory limits on punitive damages. The bill does not create a cause of action for a person to bring a lawsuit based on lawful conduct occurring before the bill's effective date or lawful conduct that began before the bill's effective date and lawfully continued after that date.

Other Provisions

The bill provides that:

- If any of its provisions or their application to any person or circumstance are held invalid, the invalidity does not affect other provisions or applications of the bill which can be given effect without the invalid provision or application, and to this end the provisions of the bill are severable.

These provisions were approved by the Governor and take effect upon becoming law.
Vote: Senate 26-13; House 83-28

Committee on Health Policy

HB 267 — Telehealth Practice Standards

by Rep. Fabricio and others (SB 298 by Senator Boyd)

The bill (Chapter 2023-63, L.O.F.) amends s. 456.47, F.S., to revise the definition of "telehealth." Under the bill, the use of audio-only telephone calls is no longer excluded from the definition.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Health Policy

SB 300 — Pregnancy and Parenting Support

by Senators Grall, Gruters, and Yarborough

The bill (Chapter 2023-21, L.O.F.) amends and creates multiple provisions of law related to pregnancy support and wellness services, the state's Family Planning Program, and the termination of pregnancies.

The bill prohibits abortion after six weeks of gestation unless an exception is met. Exceptions to abortion time frames that were in effect prior to the bill's enactment are maintained and a new exception is established for cases in which the pregnancy is the result of rape, incest, or human trafficking. This new exception is available until the gestational age of the fetus is more than 15 weeks as determined by the physician.

The bill specifies that abortions, including medical abortions, may not be provided through telehealth and that medication intended for use in a medical abortion may only be dispensed by a physician and may not be dispensed via the U.S. Postal Service or by any other courier or shipping service. The bill also prohibits any person, educational institution, or governmental entity from expending state funds for a person to travel to another state to receive services that are intended to support an abortion, unless such expenditure is required by federal law or there is a legitimate medical emergency.

Effective upon the bill becoming law, SB 300 also amends the pregnancy support and wellness services network established in s. 381.96, F.S., to expand eligibility for such services to women who are up to 12 months postpartum and to parents or guardians of children under the age of three for up to 12 months. The bill adds new services and assistance which the network is required to provide, including counseling, mentoring, educational materials, and classes, as well as material assistance including clothing, car seats, cribs, baby formula, and diapers. The bill also requires the Department of Health (DOH) to report to the Governor and the Legislature annually on the types, amount, and costs of services provided by the network, as well as demographic information about persons who receive such services.

The bill appropriates, for the 2023-2024 fiscal year, $25 million in recurring general revenue for the expanded network and specifies that contracted organizations in the network must spend at least 85 percent of the funds received on providing services and maintaining a hotline.

The bill also appropriates, for the 2023-2024 fiscal year, $5 million in recurring general revenue, in addition to any funds appropriated in the General Appropriations Act, for family planning services provided by the DOH pursuant to s. 381.0051, F.S.

The bill makes other technical and clean-up changes, including repealing s. 390.01112, F.S., which is unused; clarifying that the current-law exception for fatal fetal anomalies is available until the third trimester of pregnancy, rather than until fetal viability; and repealing rulemaking language that is no longer applicable.

The provisions of the bill, other than the expansion of the pregnancy support network and the appropriations, which are effective upon the act becoming law, are effective 30 days after one of several events occurs. These events include:

- A Florida Supreme Court ruling overturning *In re T.W.,* or one of several other related cases;
- A Florida Supreme Court ruling stating that the privacy clause in the Florida Constitution does not protect the right to abortion; or
- An amendment to the Florida Constitution which provides the same.

These provisions were approved by the Governor on April 13, 2023. Some provisions of the bill became effective when the bill became law, and other provisions are not effective until one of several specified triggers occurs. See the paragraph above for a discussion of the bill's effective dates.
Vote: Senate 26-13; House 70-40

Committee on Health Policy

CS/HB 385 — Professional Counselors Licensure Compact

by Healthcare Regulation Subcommittee and Rep. Porras and others (SB 140 by Senator Rodriguez)

The bill adds language to s. 491.017, F.S., authorizing the State of Florida to charge a fee for granting the privilege to practice professional counseling pursuant to the Professional Counselors Licensure Compact (compact). Upon this bill becoming law and taking effect, the language in s. 491.017, F.S., will fully conform to the terms of the compact.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Health Policy

CS/CS/HB 387 — Medical Use of Marijuana

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Roach and others (CS/SB 344 by Health Policy Committee and Senators Brodeur and Davis)

The bill amends s. 381.986, F.S., to allow a qualified physician to conduct an examination by telehealth for a patient's medical marijuana certification renewal if the physician previously conducted an in-person exam of the patient for the purpose of certification. The bill also authorizes the Department of Health (DOH) to suspend a qualified physician's registration with the medical marijuana use registry for a period of up to two years if the physician fails to comply with the provisions of that statutory section or provides, advertises, or markets telehealth services before July 1, 2023.

Additionally, the bill directs the DOH to license as a medical marijuana treatment center (MMTC) any applicant who applied for the license available exclusively for class members of *Pigford v. Glickman* or *In re Black Farmers Litg.* under s. 381.986(8)(a)2.b., F.S., and:

- Received a letter granting or denying the license which did not cite any deficiencies, regardless of the applicant's final score; or
- Receives a final determination resulting from a challenge to the application process that the applicant met all necessary licensure requirements.

The bill requires the DOH to grant each such applicant 90 days to cure any deficiencies with his or her application and, if the applicant does so, grant the applicant a license. The bill also specifies that an applicant's death during a legal challenge does not invalidate the challenge and, if such a challenge is successful, the DOH must issue the license to the applicant's estate.

The bill provides that any licenses issued pursuant to the provisions above must be subtracted from licenses that are, or will become, available at a later date under statutory parameters and may not be subtracted from the 22 licenses for which the DOH accepted applications between April 24, 2023, and April 28, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, the provisions related to physician renewals of a patient's medical marijuana certification take effect July 1, 2023, and the provisions related to MMTC licenses take effect upon becoming law.
Vote: Senate 38-0; House 105-8

Committee on Health Policy

CS/CS/CS/HB 391 — Home Health Aides for Medically Fragile Children

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Healthcare Regulation Subcommittee; and Rep. Tramont and others (CS/CS/SB 452 by Fiscal Policy Committee; Appropriations Committee on Health and Human Services; and Senators Harrell and Avila)

The bill creates the Home Health Aides for Medically Fragile Children program to help ameliorate the impact of the shortage of health care workers on medically fragile children. The bill requires the Agency for Health Care Administration (AHCA), in consultation with the Board of Nursing (BON), to approve any training program created by a home health agency (HHA) that meets the federal standards for a nurse aide training program and which is meant to train family caregivers as home health aides for medically fragile children (aide).

The bill requires that such a training program must consist of at least 85 hours of training in specified topics and allows a HHA to employ a family caregiver as an aide if he or she has completed the training program and met other specified criteria, including background screening. The bill also requires an aide to complete HIV/AIDS and cardiopulmonary resuscitation training and requires the employing HHA to ensure that the aide has 12 hours of in-service training every 12 months. The bill grants civil immunity to a HHA that terminates or denies employment to an aide who fails to maintain the requirements of the section or whose name appears on a criminal screening report.

The bill allows the AHCA, in consultation with the BON, to adopt rules to implement the bill and requires the AHCA to assess the program annually and to modify the Medicaid state plan and implement any federal waivers necessary to implement the program.

The bill amends ss. 400.489, 400.490, and 464.0156, F.S., to allow registered nurses to delegate tasks to aides and amends s. 408.822, F.S., to require aides to be included in the direct care workforce survey.

The bill requires the AHCA to establish a Medicaid fee schedule for HHAs employing an aide at $25 per hour with a utilization cap of no more than eight hours per day.

The bill authorizes four full-time equivalent (FTE) positions and $353,589 in recurring funds and $118,728 in nonrecurring funds from the Health Care Trust Fund in Fiscal Year 2023-2024 to the AHCA to implement the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 116-0

Committee on Health Policy

CS/SB 558 — Certified Nursing Assistants

by Health Policy Committee and Senator Burton

The bill creates a new designation of "qualified medication aide" (QMA) for certified nursing assistants (CNA) who work in a nursing home and meet specified licensure and training requirements. The bill allows a nursing home to authorize a registered nurse (RN) working in the nursing home to delegate medication administration to a QMA who is working under the direct supervision of the RN.

In order to be designated as a QMA, a CNA must hold a clear and active certification as a CNA for at least one year preceding the delegation; complete 40 hours of training that consists of the six-hour training course currently required for a CNA to administer medication in a home health setting and a 34-hour course developed by the Board of Nursing (BON) specific to QMAs; and successfully complete a supervised clinical practice in medication administration conducted in the nursing home.

The bill amends several sections of statute relating to the delegation of tasks by an RN to a CNA to conform to the changes made in the bill. The bill also specifies that CNAs performing the duties of a QMA may not be counted toward preexisting staffing requirements for nursing homes.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Health Policy

CS/SB 612 — Blood Clot and Pulmonary Embolism Policy Workgroup

by Health Policy Committee and Senators Yarborough, Gruters, Davis, Book, Osgood, Harrell, Martin, Avila, Collins, Burton, Pizzo, DiCeglie, Berman, Burgess, Calatayud, Wright, Jones, Powell, Hutson, Garcia, Polsky, Torres, Stewart, Passidomo, Albritton, Baxley, Boyd, Bradley, Brodeur, Broxson, Grall, Hooper, Ingoglia, Mayfield, Perry, Rodriguez, Rouson, Simon, Thompson, and Trumbull

The bill creates the "Emily Adkins Prevention Act" and establishes a blood clot and pulmonary embolism policy workgroup composed of health care providers, patients who have experienced blood clots, family members of patients who have died from blood clots, advocates, and other interested parties and associations. The Secretary of Health Care Administration and the State Surgeon General share responsibility for the workgroup.

The purpose of the workgroup is to identify the prevalence, impacts, and health outcomes of persons experiencing blood clots and pulmonary embolisms; the standards of care for surveillance, detection, and treatment; and emerging treatments and research. The workgroup is charged with developing a risk surveillance system and policy recommendations for improved standards of care, surveillance, detection, and patient and family education relating to blood clots and pulmonary embolisms.

The Secretary of Health Care Administration is charged with reporting the workgroup's findings and recommendations to the Governor and Legislature, with a final report to be submitted by January 4, 2025.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 114-0

Committee on Health Policy

SB 614 — Mammography Reports

by Senator Harrell

The bill (Chapter 2023-45, L.O.F.) extends the scheduled statutory repeal date for provisions of Florida law requiring facilities that perform mammography to send a summary of the patient's mammography report to certain patients. The repeal date is extended to September 10, 2024, to coincide with the effective date of federal reporting rules pertaining to, among other things, mammography reporting to patients by essentially all mammography facilities nationwide.

These provisions were approved by the Governor and take effect May 11, 2023.
Vote: Senate 38-0; House 118-0

Committee on Health Policy

SB 768 — Referral of Patients by Health Care Providers

by Senator Martin

The bill amends s. 456.053, F.S., relating to an exemption from a prohibition against patient referrals for health care services when a referring provider has an investment or other financial interest in the entity providing the referred services, such as a group practice. The bill removes the requirement for the services to be provided under direct supervision and instead requires the supervision level to comply with all applicable Medicare payment coverage rules. The bill deletes the definitions of "direct supervision" and "present in the office suite" since the bill renders those definitions unnecessary.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Health Policy

CS/CS/HB 783 — Opioid Abatement

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Caruso and others (CS/SB 704 by Fiscal Policy Committee and Senator Boyd)

The bill creates the Statewide Council on Opioid Abatement (Council) within the Department of Children and Families (DCF) for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis and their families.

The bill amends two definitions in s. 381.887, F.S., to clarify that caregivers need not to have recurring contact with persons at risk of an opioid overdose to meet the definition and to include health care practitioners who dispense drugs in the definition of "authorized health care practitioner." The bill allows pharmacists to prescribe as well as dispense emergency opioid antagonists within the constraints of that section of statute. Additionally, the bill adds emergency opioid antagonists that are delivered through a prefilled injection device delivery system to the types of opioid antagonists that may be prescribed, dispensed, and administered under the section.

The bill also requires each Florida College System institution and state university to store a supply of emergency opioid antagonists in each residence hall or dormitory residence owned or operated by the institution. The emergency opioid antagonists must be easily accessible to campus law enforcement officers who are trained in their administration.

The bill provides civil or criminal immunity for campus law enforcement officers trained to administer the opioid antagonist as well as for the employing institution when the officer administers or attempts to administer the antagonist in accordance with the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Health Policy

CS/HB 967 — Medicaid Coverage of Continuous Glucose Monitors

by Healthcare Regulation Subcommittee and Rep. Bell and others (CS/SB 988 by Health Policy Committee and Senators Burton and Davis)

The bill requires the Agency for Health Care Administration (AHCA) to provide coverage for continuous glucose monitors (CGM) under the Medicaid pharmacy benefit to treat Medicaid recipients diagnosed with diabetes, subject to the availability of funds and any parameters provided in the General Appropriations Act.

A CGM is defined under the bill as a device to aid in the treatment of diabetes by measuring glucose levels on demand or at set intervals through a small, electronic sensor that slightly penetrates a person's skin and is designed to remain in place and active for at least seven days. In order to qualify for this benefit, a Medicaid recipient must be diagnosed with a type of diabetes that may be treated with insulin, prescribed insulin and a CGM by a health care practitioner authorized for such prescribing, and participate in applicable follow-up care.

The bill requires the AHCA to seek federal approval, if needed, for implementation. The bill also requires the AHCA to include the fiscal impact of the bill in the rate-setting process for Medicaid managed care plans for the contract year beginning on October 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Health Policy

CS/HB 1133 — Physician Assistant Licensure

by Healthcare Regulation Subcommittee and Rep. Rizo and others (CS/SB 454 Health Policy Committee and Senator Avila)

The bill amends ss. 458.347 and 459.022, F.S., to revise the eligibility requirements for physician assistants (PAs) seeking licensure. The bill changes the requirement for graduation from an approved program to a requirement to have "completed" or "matriculated," as applicable. The bill authorizes the Board of Medicine and the Board of Osteopathic Medicine to grant a license to a PA applicant who does not meet the educational requirements for licensure but has passed the Physician Assistant National Certifying Examination.

These changes reinstate the licensure eligibility for PAs who graduated from accredited PA programs with a bachelor's degree who were negatively impacted by the Legislature's 2021 revisions to the PA licensure statutes.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 113-0

Committee on Health Policy

CS/CS/SB 1352 — Sickle Cell Disease Medications, Treatment, and Screening

by Fiscal Policy Committee; Appropriations Committee on Health and Human Services; and Senators Rouson and Davis

The bill focuses on newborn and infant (newborn) screenings for a sickle cell hemoglobin variant, establishing a voluntary registry for screening results, educating persons about sickle cell hemoglobin variants and available resources, on-going research on sickle cell disease (SCD), and improving outcomes for persons diagnosed with SCD.

The bill creates s. 383.147, F.S., to require that if a newborn's screening reveals a sickle cell hemoglobin variant, the screening provider must submit the results to the Department of Health (DOH) for inclusion in a registry for persons carrying a sickle cell hemoglobin variant and notify the newborn's primary care physician. A primary care physician so notified must provide information about the availability and benefits of genetic counseling to the newborn's parent or guardian.

The bill requires the DOH to contract with a community-based SCD medical treatment and research center (center) to establish and maintain the registry. The DOH must establish a system to ensure that the center notifies the parent or guardian of a child included in the registry that a follow-up consultation with a physician is recommended, and the bill requires such notice to be provided to the parent or guardian at least once during the child's early adolescence and once during late adolescence.

A parent or guardian may request to have his or her child removed from the registry by submitting a form to be created under DOH rule, and the DOH must make every reasonable effort to notify persons in the registry who have attained 18 years of age that they may be removed from the registry by submitting a similar form, also to be created under DOH rule. The DOH must also provide information to such persons regarding available educational services, genetic counseling, and other beneficial resources.

The bill creates s. 409.91235, F.S., to require that, biennially, the Agency for Health Care Administration (AHCA), in consultation with the Florida Medical Schools Quality Network and a dedicated SCD medical treatment and research center that maintains a sickle cell patient database and tracks SCD outcome measures, must review specified data and report to the Governor, Legislature, the DOH Office of Minority Health and Health Equity, and the Rare Disease Advisory Council whether the Florida Medicaid program's medications, treatments, and services for Medicaid recipients with SCD are adequate to meet their needs or whether additions should be sought to improve outcomes.

The bill appropriates to DOH, for the 2023-2024 fiscal year, $1,060,804 in recurring general revenue and $21,355 in nonrecurring general revenue, and five full-time equivalent positions, for the purpose of the DOH implementing its duties under the bill.

The bill also appropriates to the AHCA, for the 2023-2024 fiscal year, $250,000 in nonrecurring general revenue for the purpose of the AHCA implementing its duties under the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Health Policy

CS/CS/HB 1387 — Department of Health

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Porras and others (CS/CS/SB 1506 by Rules Committee; Health Policy Committee; and Senator Rodriguez)

The bill (Chapter 2023-71, L.O.F.) revises statutes relating to the Department of Health (DOH). The bill:

- Creates s. 381.87, F.S., to prohibit research that is reasonably likely to create an enhanced potential pandemic pathogen (ePPP) or that has been determined by the U.S. Department of Health and Human Services, or other federal agency or state agency, to create such a pathogen. The bill defines terms and requires researchers applying for funding to disclose in the application if the research meets the definition of ePPP research.
- Makes several revisions to statutes governing the DOH medical marijuana program, including:
  - Defining the term "attractive to children" and expanding a requirement that edibles not be attractive to children; and
  - Amending background screening provisions related to medical marijuana and certified marijuana testing laboratories.
- Updates ch. 382, F.S., relating to DOH vital statistics, to make electronic filing mandatory, when possible.
- Updates statutes relating to the determination of brain death to account for cases in which a patient's treating practitioner is an autonomous advanced practice registered nurse.
- Amends s. 382.025, F.S., to increase the age at which birth records will remain confidential and exempt, from 100 years of age to 125 years of age.
- Makes several revisions to statutes governing emergency medical technicians (EMTs) and paramedics, including:
  - Removes a requirement for EMTs and paramedics applying to the DOH for licensure to do so "under oath," replaces that requirement with an attestation, and removes the obsolete National Standard Curriculum from the training materials;
  - Amends s. 401.34, F.S., to delete obsolete same-day grading of EMT and paramedic examinations, walk-in eligibility for determinations and examinations, and the fees for EMT and paramedic examination reviews;
  - Amends s. 401.272, F.S., to eliminate an EMT's or paramedic's ability to partner with local county health departments;
  - Requires EMTs and paramedics to practice under the medical direction of a physician through two-way voice communication or established standing orders or protocols when providing basic life support, advanced life support, and health promotion and wellness activities in a nonemergency environment;
  - Deletes the required supervision of an EMT and paramedic by a medical director in a nonemergency environment;
  - Eliminates blood pressure screening from the activities an EMT or paramedic may perform only under medical direction in a nonemergency environment; and

  - Amends s. 401.435, F.S., to remove the obsolete term "first responder" and replaces it with "emergency medical responder."
- Amends s. 464.203, F.S., to exempt certified nursing assistant applicants who have completed an approved training program from the licensure requirement of taking the skills-demonstration portion of the examination.
- Amends numerous sections of ch. 468, Part I and ch. 484, Part II, F.S., to narrow the scope of regulated practice for audiologists and hearing aid specialists to the dispensing of prescription hearing aids, including:
  - Redefines "hearing aid," and defines "over-the-counter (OTC) hearing aid," and "prescription hearing aid" for hearing aid specialists to align with new federal rules permitting the sale of certain OTC hearing aids;
  - Deletes regulation of the sale of OTC hearing aids to consumers with perceived mild to moderate hearing impairment through in-person transactions, by mail, or online;
  - Authorizes licensed hearing aid specialists to service, market, sell, dispense, provide customer support for, and distribute prescription and OTC hearing aids; and
  - Removes restrictions and criminal penalties for the sale or distribution of hearing aids through the mail.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 29-11; House 114-0

Committee on Health Policy

CS/CS/HB 1471 — Health Care Provider Accountability

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Busatta Cabrera and others (CS/SB 1596 by Health Policy Committee and Senator Garcia)

The bill amends nursing home residents' rights to specify that a nursing home resident has the right to be free from sexual abuse, neglect, and exploitation.

The bill amends s. 408.812, F.S., to create a new cause of action to pursue an injunction against unlicensed activity allegedly committed by unlicensed persons or entities providing services for which a license is required under ch. 408, F.S.

The bill amends ss. 458.328 and 459.0138, F.S., to require the Department of Health to inspect a physician's office before an office surgery registration may be issued and to immediately suspend an existing registration under certain circumstances. The bill requires physicians performing gluteal fat grafting procedures in an office surgery setting to adhere to specific standards of practice, including in-person physical examinations no later than the day before the surgery and written consent for any duties that may be delegated during the procedure, and requires that the most critical portion of the procedure must be performed by the physician of record for the gluteal fat grafting procedure using ultrasound guidance or guidance via technology of equal or greater quality than ultrasound if approved by the Board of Medicine or the Board of Osteopathic Medicine, as applicable.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Health Policy

CS/CS/SB 1550 — Prescription Drugs

by Fiscal Policy Committee; Health Policy Committee; and Senators Brodeur, Rodriguez, Wright, and Perry

The bill (Chapter 2023-29, L.O.F.) regulates the coverage of pharmacy benefits. The bill focuses on transparency, accountability, and participant relationships within the outpatient pharmaceutical delivery system.

For the purposes of this act, affected entities include prescription drug manufacturers, pharmacy benefit managers (PBMs), pharmacy benefits plans or programs (plans), and pharmacies. A PBM contracts to administer prescription drug benefits on behalf of a plan. As used in this act, a plan includes health maintenance organizations, health insurers, self-insured employer health plans, discount card programs, and government-funded health plans.

Price Increase Transparency and Manufacturer Reporting

Prescription drug manufacturers and nonresident prescription drug manufacturers licensed in Florida will be required to submit information on reportable drug price increases for disclosure on the Florida HealthFinder/MyFloridaRx website for public access. This information will be available for Floridians to search and compare prescription drug price increases. Additional trade secret information submitted on reportable drug price increases will be made available for governmental research purposes.

PBM Regulation and Transparency

PBMs operating in Florida will be regulated as administrators under the Florida Insurance Code. Additional requirements specific to PBM operations are provided in the bill, including, but not limited to, affiliated ownership disclosures, disclosure of contractual relationships, and compliance with and reporting about specific statutory contractual terms and conditions. Certain practices by PBMs are prohibited under the bill, such as restricting or penalizing a pharmacy or pharmacist from disclosing relevant information to a patient, governmental officials, or law enforcement; and communicating at the point-of-sale, or otherwise requiring, a cost-sharing obligation for a covered person that exceeds the lesser of the applicable amount in the covered person's plan or the usual and customary (cash) price. A contact within the Division of Consumer Services will be designated to accept complaints from consumers and pharmacies relating to PBMs. Complaints that allege conduct that may constitute a violation of the act must be investigated by the Office of Insurance Regulation.

Contracts between a PBM and a Plan

The bill requires certain provisions to be included in these contracts, such as a plan must require a PBM to reimburse network pharmacies according to a pass-through model, not spread pricing. A pass-through model means a PBM must reimburse the pharmacy the full amount the plan paid to the PBM for the pharmacist services. One hundred percent of a PBM-negotiated manufacturer

rebate must be passed to the plan for offsetting defined cost sharing and reducing premiums of covered persons. A PBM must meet or exceed certain network adequacy requirements that, among other things, do not steer patients to affiliated pharmacies and include offering contracts to specified health care facilities to administer pharmaceuticals and biological products on an outpatient basis. Additionally, the bill requires a PBM or plan to provide a 60-day continuity-of-care period upon revising a formulary of covered prescription drugs during a plan year so that the covered drug continues to be provided to the covered patient at the same cost during the 60-day period.

Contracts between a PBM and Network Pharmacy

The bill requires these contracts to require a PBM to provide a pharmacy with detailed information identifying a claim payment and any reconciliation transactions; prohibit financial clawbacks, retroactive recoupments, or other charges or withholding of fees; allow pharmacies to offer mail or delivery services on an opt-in basis; prohibit a PBM from unilaterally changing the terms of the contract; and require the PBM to provide an administrative process for a pharmacy to appeal the amount reimbursed for pharmacist services.

The PBM contracting provisions apply to all contracts that are executed or amended after July 1, 2023, which apply to pharmacy benefits beginning on or after January 1, 2024.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 40-0; House 118-0

Committee on Health Policy

CS/SB 1552 — Public Records/Pharmacy Benefit Managers

by Health Policy Committee and Senator Brodeur

The bill (Chapter 2023-30, L.O.F.) extends the current public records exemptions that are applicable to administrators under the Florida Insurance Code to pharmacy benefit managers (PBMs). The bill provides an exemption from public records requirements for examination and investigation reports and work papers relating to PBMs.

The bill is linked to SB 1550 relating to prescription drugs. Under SB 1550, PBMs will be regulated as administrators and will also be subject to additional examination and investigation authority specific to PBMs.

The bill's exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature. The bill provides a statement of public necessity as required by the State Constitution.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote Senate 40-0; House 119-0

Committee on Health Policy

CS/SB 1580 — Protections of Medical Conscience

by Rules Committee and Senators Trumbull and Perry

The bill (Chapter 2023-57, L.O.F.) establishes rights of conscience for health care providers and payors. The bill provides legislative intent and provides that a health care provider or payor has the right to opt-out of participation in or payment for a health care service on the basis of a conscience-based objection (CBO).

The bill establishes notification requirements for opting-out and prohibits a payor from opting-out of paying for a service it is contractually obligated to cover during a plan year. The bill also specifies that CBOs are limited to specific health care services, that the bill may not be construed to waive or modify any duty a provider or payor may have for other health care services that do not violate a provider's or payor's conscience, and that nothing in the bill allows a health care provider or payor to opt-out of providing health care services to any patient or potential patient because of that patient's or potential patient's race, color, religion, sex, or national origin.

The bill prohibits health care providers from being discriminated against or suffering adverse action for declining to participate in a health care service based on a CBO. The bill also provides whistle-blower protections for providers or payors in specific situations and specifies that the bill may not be construed to override any requirement to provide emergency medical treatment in accordance with federal or state law.

The bill allows health care providers or payors to file complaints of violations to the Attorney General (AG) and authorizes the AG to bring a civil action for appropriate relief. The bill also provides civil immunity for health care providers and payors solely for declining to participate in a health care service on the basis of a CBO, with some exceptions.

The bill prohibits a health care practitioner regulatory board, or the Department of Health (DOH) if there is no board, from taking disciplinary action against a health care practitioner solely because he or she has spoken or written publicly about a health care service or public policy, including on a social media platform, as long as the speech or written communication does not provide advice or treatment to a specific patient or patients and does not separately violate any other applicable law or rule. The bill also authorizes a board within the DOH to revoke approval of any specialty board for revoking the certification of an individual for the same reason.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 28-11; House 84-34

Committee on Judiciary

CS/HB 27 — Judgment Liens

by Regulatory Reform and Economic Development Subcommittee and Rep. Benjamin and others (CS/CS/SB 1574 by Rules Committee; Judiciary Committee; and Senator Rouson)

The bill improves the available remedies that may be used by a judgment creditor to collect a civil judgment from a judgment debtor. The bill:

- Simplifies the process of recording a judgment lien against a motor vehicle or vessel in the records of the Department of Highway Safety and Motor Vehicles. The new process protects the interests of subsequent purchasers of the motor vehicle or vessel.
- Expands the scope of a judgment lien recorded with the Secretary of State to additionally encumber the intangible assets of payment intangibles and accounts and the proceeds thereof.
- Specifies in statute that a judgment creditor may not use self-help measures to take personal property of the judgment debtor except with documented consent of the judgment debtor that is agreed to after attachment of the judgment lien.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 114-0

Committee on Judiciary

CS/SB 50 — Public Records/Judicial Assistants

by Governmental Oversight and Accountability Committee and Senator Wright

The bill creates a public records exemption for current judicial assistants. Judicial assistants provide administrative, secretarial, organizational, and clerical support to judges in the county and circuit courts, district courts of appeal, and the Florida Supreme Court. As of December, 2022, there were 1,022 judicial assistants employed in the state courts.

The bill exempts from public disclosure the following information:

- A current judicial assistant's home address, date of birth, and telephone number.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of a current judicial assistant's spouse and children.
- The names and locations of schools and day care facilities attended by a current judicial assistant's children.

This exemption applies to information held by an agency before, on, or after July 1, 2023.

These provisions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless the provisions are reviewed and saved from repeal by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-2; House 117-0

Committee on Judiciary

CS/CS/SB 130 — Domestic Violence

by Rules Committee; Judiciary Committee; and Senators Berman, Book, Hutson, Garcia, Harrell, Yarborough, Passidomo, Albritton, Avila, Baxley, Boyd, Bradley, Brodeur, Broxson, Burgess, Burton, Calatayud, Collins, Davis, DiCeglie, Grall, Gruters, Hooper, Ingoglia, Jones, Martin, Mayfield, Osgood, Perry, Pizzo, Polsky, Powell, Rodriguez, Rouson, Simon, Stewart, Thompson, Torres, Trumbull, and Wright

The bill names the act "Greyson's Law" in memory of Greyson Kessler, a 4-year-old boy who was shot and killed by his father who then killed himself. The bill refines the descriptions of what constitutes evidence or risks of domestic violence for use in child custody determinations and in domestic violence injunction proceedings.

Parenting and Time-sharing

The bill expands the list of factors a court must consider when determining whether shared parental responsibility, meaning shared authority to make decisions for a child, would be detrimental to a child. The new factors require the court to also consider:

- Evidence of domestic violence;
- Whether a parent, in the past or currently, has reasonable cause to believe that he or she or the minor child is or has been in imminent danger of becoming a victim of domestic violence or sexual violence by the other parent, even if no legal action has been brought or is currently pending in court;
- Whether either parent, in the past or currently, has reasonable cause to believe that the shared minor child is or has been in imminent danger of becoming a victim of abuse, abandonment, or neglect by the other parent, even if no legal action has been brought or is currently pending; and
- Any other relevant factors.

Additionally, when a parental responsibility or time-sharing schedule is established or modified by a court, the "best interest of the child" factors that the court must consider are expanded to include evidence that a parent has or has had reasonable cause to believe that he or she or the minor child is in imminent danger of becoming a victim of domestic violence.

Domestic Violence Injunction

The bill also expands the factors a court must consider when determining whether to issue a domestic violence injunction. The court must consider whether the respondent named in the petition has engaged in a pattern of abusive or threatening behaviors which demonstrates a continuing purpose and which reasonably causes the petitioner to believe that he or she or the minor shared child is in imminent danger of becoming a victim of an act of domestic violence.

The bill allows a petitioner to select a new basis for a domestic violence injunction on the statutory petition form. The additional basis for the injunction is that the respondent has engaged

in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 117-0

Committee on Judiciary

CS/HB 133 — Fees in Lieu of Security Deposits

by Judiciary Committee and Rep. Mooney and others (CS/SB 494 by Judiciary Committee and Senators DiCeglie and Calatayud)

The bill amends and expands the Florida Residential Landlord and Tenant Act. The bill provides that a landlord may offer a tenant the option to pay a fee, or monthly fees, in lieu of paying the traditional security deposit for a rental unit. The bill also gives the landlord the option to permit a tenant to pay a security deposit in monthly installments.

If the landlord and tenant agree to a fee in lieu of a deposit, the agreement must disclose that:

- The tenant has the option to pay the security deposit instead of the fee at any time.
- The fee is nonrefundable.
- The landlord's use of the fee to purchase an insurance product does not affect the tenant's liability for rent, damages, or other amounts owed.
- The landlord has exclusive discretion whether to offer tenants the option to pay a fee in lieu of a deposit.
- A landlord may not submit an insurance claim for a tenant's unpaid rent, fees, or other obligations or damages to premises until 15 days after the landlord notifies the tenant of the amounts owed.

The bill applies to rental agreements entered into or renewed on or after July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 31-7; House 89-22

Committee on Judiciary

SB 144 — Lactation Spaces

by Senator Berman

The bill requires each county courthouse to provide at least one dedicated lactation space, outside of the confines of a restroom, for members of the public to express breast milk or breastfeed in private.

The lactation space must be provided no later than January 1, 2024. It must be hygienic, clean and sanitary, and conducive to maintaining and preventing disease; shielded from public view; free from intrusion while occupied; and contain an electrical outlet.

These requirements do not apply to a courthouse if the person who is responsible for the operation of the courthouse determines that:

- New construction would be required to create the lactation space; and
- The courthouse does not contain a lactation space for employees which may be used by the members of the public, and the courthouse does not have:
  - A space that could be repurposed as a lactation space open to the public; or
  - A space that could be made private at a reasonable cost using portable materials, contingent upon private funding being made available for those costs.

The bill also authorizes the person responsible for the operation of the facility housing each district court of appeal to use state-appropriated funds or private funding to provide a lactation space.

The bill contains a legislative finding that the bill fulfills an important state interest.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 112-0

Committee on Judiciary

CS/CS/HB 213 — Limitation of Actions Involving Real Estate Appraisers and Appraisal Management Companies

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Borrero and others (CS/SB 398 by Judiciary Committee and Senator Rodriguez)

The bill creates s. 95.371, F.S., which contains new and exclusive statutes of limitation and repose governing actions against appraisers or appraisal management companies. The effect of the bill is to overturn the holding in *Llano Financing Group, LLC v. Petit*.

Specifically, the bill:

- Provides that an action to recover damages from an appraiser or appraisal management company based on contract, tort, or other legal theory for an act or omission in the performance of appraisal services or appraisal management services must be brought:
  - Within 2 years after the date that the alleged act or omission is discovered, or should have been discovered.
  - No more than 4 years after the date the appraisal services or appraisal management services were performed, or should have been performed.
- Provides that notwithstanding any other law to the contrary, all actions for damages or other relief brought against an appraiser or appraisal management company will be governed exclusively by the provisions of the new statute.

The bill does not apply to:

- Any administrative proceedings initiated by the Florida Real Estate Appraisal Board or the Department of Business and Professional Regulation.
- Any action founded upon fraud in the provision of appraisal services or appraisal management services by an appraiser or appraisal management company.

The bill provides that plaintiffs having an accrued cause of action have at least 1 year after the effective date of the bill to bring an action for negligence in the provision of appraisal or appraisal management services.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 114-0

Committee on Judiciary

CS/CS/SB 226 — Support for Dependent Adult Children

by Children, Families, and Elder Affairs Committee; Judiciary Committee; and Senator Berman

The bill specifies procedures for effectuating the common law duty of parents to support a dependent adult child. In this context, a dependent adult child is an adult who is dependent on others for care or support because of a mental or physical incapacity that began before the age of 18. This duty of support is detailed in court opinions and is recognized in the Florida Statutes, but the procedures for a dependent adult child to obtain support are not clear.

The bill creates s. 61.1255, F.S., to codify the common law obligation of a parent to support a dependent adult child after he or she reaches the age of majority. The bill specifies who may bring an action to establish such support and provides that support payments should be made directly to the dependent adult child. The bill permits a portion of the support to be placed in a special needs trust or pooled trust for the dependent adult child's benefit and prohibits a court from entering an order for support that would make the dependent adult child ineligible for programs or services the dependent adult child currently participates in, receives, or would be reasonably expected to participate in after reaching the age of majority.

The bill also creates s. 61.31, F.S., to establish new support guidelines for courts to use in support calculations for a dependent adult child. The bill permits a petition to appoint a guardian advocate to request authority to file a civil suit to establish support payments on behalf of the dependent adult child. Under the bill, any modifications and enforcement of support for a dependent adult child must be made in accordance with the requirements established for regular child support under ch. 61, F.S. The bill assigns jurisdiction over a dependent adult child and defines the court's role in such a proceeding.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Judiciary

CS/CS/SB 264 — Interests of Foreign Countries

by Rules Committee; Judiciary Committee; and Senators Collins and Avila

The bill (Chapter 2023-33, L.O.F.) generally restricts the issuance of government contracts or economic development incentives to, or real property ownership by, foreign principals, which are certain individuals and entities associated with foreign countries of concern. Foreign countries of concern include the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, and the Syrian Arab Republic.

With respect to conveyances of real property in this state, the bill generally:

- Prohibits foreign principals from owning or acquiring agricultural land in the state.
- Prohibits foreign principals from owning or acquiring any interest in real property within 10 miles of any military installation or critical infrastructure in the state.
- Prohibits China, Chinese Communist Party or other Chinese political party officials or members, Chinese business organizations, and persons domiciled in China, but who are not citizens or lawful permanent residents of the U.S., from purchasing or acquiring any interest in real property in the state.
- Provides limited exceptions from the ownership restrictions for the purchase of one residential property that is not on or within 5 miles of any military installation in the state.

The bill also amends:

- The Florida Electronic Health Records Act, to require that the offsite storage of certain personal medical information be physically maintained in the continental U.S., U.S. territories, or Canada.
- The Health Care Licensing Procedures Act, to require licensees to sign affidavits attesting that all patient information stored by them is being physically maintained in the continental U.S., U.S. territories, or Canada.

Finally, the bill amends the statute criminalizing threats and extortion, to provide that a person who commits a violation of the statute, and at the time is acting as a foreign agent with the intent of benefitting a foreign country of concern, commits a first degree felony.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 31-8; House 95-17

Committee on Judiciary

CS/SB 360 — Causes of Action Based on Improvements to Real Property

by Judiciary Committee and Senator Hutson

The bill (Chapter 2023-22, L.O.F.) amends existing law with respect to causes of action based on improvements to real property. The bill shortens the timeframes within which a property owner may bring a cause of action against a builder for alleged construction defects. It also narrows the scope of certain statutory civil actions against builders for Florida Building Code violations.

Specifically, the bill:

- Revises the commencement of the 4-year statute of limitations by changing the listed potential commencement dates and causing the statute to run based upon whichever date is earliest instead of latest;
- Shortens the 10-year statute of repose to 7 years;
- Revises the commencement of the 7-year (currently 10-year) statute of repose by changing the listed potential commencement dates and causing the statute to run based upon whichever date is earliest instead of latest;
- Provides that if a newly constructed single-dwelling residential building is used as a model home, the time to bring a construction defect action begins to run from the date that a deed is recorded first transferring title to another party;
- Provides that if a project involves the construction of multiple buildings, each individual building must be considered its own improvement for purposes of determining the limitations period in the bill;
- Provides a definition for "material violations" in connection with statutory civil actions against builders for alleged Florida Building Code violations, and amends existing law to limit recovery for material violations only; and
- Includes a savings clause to ensure that claimants having time remaining under the existing statute of limitations have at least 1 year from the effective date of the bill to initiate a construction defect action.

These provisions became law upon approval by the Governor on April 13, 2023.
Vote: Senate 31-7; House 89-8

Committee on Judiciary

HB 441 — Removal of Unknown Parties in Possession

by Rep. Brackett and others (CS/SB 522 by Judiciary Committee and Senator Grall)

The bill clarifies the procedures for service of process in a civil case where possession of real property is an issue. A defendant or defendants who are unknown to the plaintiff and thus are an unknown party in possession of real property may be served process using a single summons. Similarly, a single writ of possession may be used to evict all unknown parties in possession where the identity of unknown persons is not determined.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 116-0

Committee on Judiciary

SB 508 — Problem-solving Courts

by Senator Rouson

The bill revises three statutes that govern admission to, and participation in, the state's "problem-solving courts." The problem-solving courts are pre-trial intervention court programs that afford a defendant the opportunity to participate in getting the help he or she needs and avoid a criminal conviction. This bill expands eligibility for pretrial intervention programs, creates consistency within the criteria of the programs, and revises data reporting requirements for the programs.

Treatment-based Drug Court Programs

The eligibility requirements for treatment-based drug court programs are revised to afford more people the opportunity to participate. Under existing law, a defendant may be denied an opportunity to be admitted into the program if he or she previously rejected the opportunity to do so before trial. Under the bill, people who have previously rejected opportunities to participate are no longer subject to being barred from participation for that reason.

The bill also removes the responsibility of managing the collection of data from the judicial circuits and places the responsibility on the treatment-based drug court program. In addition, each program is now required to annually report the programmatic information and the aggregate data regarding the number of admissions and terminations, by type of termination, to the Office of the State Courts Administrator.

Pretrial Intervention Program for Felony Offenses

Currently, the substance abuse education and treatment intervention program requires a defendant to remain in the program for a period "of not less than 1 year." The bill, however, gives courts the discretion to determine how long a defendant, based upon his or her clinical needs, must remain in a program.

The bill expands the eligibility criteria for a defendant to be admitted to a substance abuse education and treatment intervention program by no longer barring persons who were previously charged with a crime of violence. As revised, a defendant is excluded from participating only if he or she is currently charged with a crime of violence. By making this change, the statute becomes consistent with eligibility requirements contained in other problem-solving court statutes.

The bill expands the eligibility criteria for a defendant to be admitted to a pretrial mental health court program by no longer barring persons convicted of a felony. The language would also be consistent with the criteria for entering a pretrial treatment-based drug court program.

Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention Programs

The bill expands who may be eligible for a misdemeanor pretrial substance abuse education and treatment intervention program. By eliminating the qualifying offenses currently listed in statute and opening the criteria to any person charged with a misdemeanor, but who has not previously been convicted of a felony, more people will be eligible to participate in the program. This would make the eligibility criteria consistent with the criteria for pretrial misdemeanor veterans programs and mental health programs.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Judiciary

CS/CS/SB 600 — Assignment for the Benefit of Creditors

by Rules Committee; Judiciary Committee; and Senator Martin

The bill amends several statutes within ch. 727, F.S., relating to assignments for the benefit of creditors. The bill's revisions were recommended by a subcommittee of the Business Law Section of The Florida Bar to streamline practice, clarify ambiguities in statute, and minimize the potential for litigation.

Specifically, the bill:

- Revises the legislative intent of ch. 727, F.S., relating to assignments for the benefit of creditors, to include the orderly liquidation of insolvent estates.
- Grants assignees discretion on how to record assignments both inside and outside of this state where relevant assets are located.
- Grants courts discretion to schedule case management conferences and require periodic status reports as warranted.
- Provides that assignees may rely upon, and will not be held personally liable for, their own good faith compliance with court documents and other documents believed to be genuine.
- Provides that assignees will not be held personally liable for:
  - Complying in good faith with their duties and responsibilities as assignees; or
  - Acts or omissions, unless those acts or omissions were outside the scope of their duties, were grossly negligent, or constitute malfeasance.
- Provides that, unless assignees' acts or omissions subject them to personal liability, creditors asserting claims against them must look only to the estate assets and posted bonds to recover.
- Provides that, before bringing a suit against an assignee, a creditor must first obtain leave of the court based upon good cause shown.
- Requires any claims against an assignee to be brought before the assignee is discharged by the court.
- Clarifies that only creditors holding a lien or a right of setoff or recoupment with respect to the subject assets – i.e. not all creditors – are exempt from requirements to turn the assets over to the assignee.
- Provides for negative notice in connection with assignees' rejection of unexpired leases of nonresidential property or of personal property, and flexibility regarding the effective date.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 112-0

Committee on Judiciary

CS/HB 619 — State Estate Tax

by Ways and Means Committee and Rep. Tant and others (CS/SB 278 by Finance and Tax Committee and Senator Rodriguez)

The bill eliminates the requirement to show proof of payment of or no liability for the Florida estate tax in order to close a probate estate or sell estate property. Because federal law does not currently allow a person to deduct the state estate tax from his or her federal estate tax liability, the state's estate tax is not in effect. If the federal estate tax law is amended in a way that reinstates the Florida estate tax, the requirement would return.

The bill applies to probate proceedings commenced on or after July 1, 2023, and to probate proceedings pending on July 1, 2023, for which a final order of discharge has not been entered.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 110-0

Committee on Judiciary

SB 662 — Student Online Personal Information Protection

by Senators Bradley and Garcia

The bill creates the Student Online Personal Information Protection Act, which substantially restricts the operator of a website, online service, or online application that is used for K-12 school purposes from collecting, disclosing, or selling student data, or from using student data to engage in targeted advertising.

The bill prohibits operators from knowingly:

- Engaging in targeted advertising based on any information, including persistent unique identifiers, acquired through the use of their educational technology.
- Using any information, including persistent unique identifiers, gathered through their educational technology to create profiles of students, except for K-12 school purposes.
- Sharing, selling, or renting student information to third parties.
- Disclosing certain covered information, except under specified circumstances.

The bill requires operators to:

- Collect no more covered information than reasonably necessary to operate the educational technology.
- Implement and maintain reasonable security procedures and practices to protect covered information.
- Delete a student's covered information no later than 90 days after the conclusion of a course or program, if requested by the K-12 school or school district, unless a student or a parent or guardian consents to its maintenance.

The bill allows operators to disclose covered information if:

- Federal or state law requires disclosure.
- It is disclosed for legitimate research purposes, if not used for targeted advertising or profiling for purposes other than K-12 school purposes.
- It is disclosed to a state or local educational agency, including K-12 schools and school districts, for K-12 school purposes.

A violation of the bill is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act. However, the Department of Legal Affairs is the sole entity authorized to bring an enforcement action against an entity that violates the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 118-0

Committee on Judiciary

SB 708 — Estoppel Letters

by Senator Burgess

The bill revises Florida law regarding estoppel letters provided by mortgagees and mortgage servicers to protect persons who justifiably rely on the accuracy of an estoppel letter. Specifically, the bill:

- Reduces the time to respond to an estoppel letter request from 14 days to 10 days.
- Allows a mortgagee or mortgage servicer to send a corrected estoppel letter, so long as the previous estoppel letter was not relied upon.
- Prohibits a mortgagee or mortgage servicer from qualifying, reserving the right to change, or conditioning or disclaiming the reliance of others on a current, valid estoppel letter.
- Prohibits a mortgagee or mortgage servicer from refusing to accept funds received that conform with the amount provided in a current, valid estoppel letter, and requires the mortgagee or mortgage servicer to apply such funds to the balance of the loan.
- Requires a mortgagee or mortgage servicer to execute an instrument acknowledging release of the mortgage and to send it for recording in the official records of the proper county within 60 days after payoff. The recorded release must be sent to the mortgagor or record title owner of the property. The bill also provides for attorney fees for prevailing parties in civil actions relating to these requirements.
- Specifies that the release of a mortgage does not necessarily relieve the mortgagor, or the mortgagor's successors or assigns, from any personal liability on the loan or other obligations previously secured by the mortgage.
- Provides the requirements for making and responding to an estoppel letter request.
- Standardizes the minimum contents of an estoppel letter.
- Provides for application to existing mortgages.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 119-0

Committee on Judiciary

CS/HB 977 — Clerks of Court

by Justice Appropriations Subcommittee and Rep. Botana and others (CS/SB 1130 by Appropriations Committee on Criminal and Civil Justice and Senators Hutson and Thompson)

The bill helps the locally elected clerks of court by increasing funding for their offices. Clerks are allowed to retain service charges that are currently directed to the General Revenue Fund for the issuance of a summons in any civil action. Similarly, the bill allows the clerks to retain an additional portion of the filing fees for dissolution of marriage, probate, and foreclosure cases. The bill also changes the requirement for transfer of a clerk's budget overage to the Department of Revenue from monthly to quarterly.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 114-0

Committee on Judiciary

CS/CS/HB 1119 — Withholding or Withdrawal of Life-prolonging Procedures

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Berfield and others (CS/CS/SB 1098 by Children, Families, and Elder Affairs Committee; Judiciary Committee; and Senator Burton)

The bill creates s. 744.4431, F.S., relating to guardianship power regarding life-prolonging procedures. This section requires a professional guardian to petition the court for the authority to withhold or withdraw life-prolonging procedures before making such decisions, with certain exceptions. The bill outlines the information required in the petition, the circumstances in which a court hearing is required, and the timeframe a hearing must be held and a ruling reached. The bill specifies circumstances in which a professional guardian may withdraw or withhold life-prolonging procedures or execute a do not resuscitate order (DNRO) for a ward without additional court approval.

The bill requires that a guardian file a ward's advance directive with the court upon discovery, regardless of when the advance directive is discovered. At such time, the court must determine whether the advance directive is an alternative to guardianship and the appropriate delegation of decision-making authority between the guardian and health care surrogate. Such information on advance directives and existing DNROs, and the date such directives and orders were signed, must be included in the initial and annual guardianship plans.

The bill allows health care surrogates and agents under a durable power of attorney, who retain authority to make health care decisions for a ward, to exercise such authority, including the withholding or withdrawal of life-prolonging procedures, without additional approval by the court. Additionally, the bill allows professional guardians to make decisions consistent with an advance directive or power of attorney without additional court approval when such decision-making authority has been expressly delegated to the guardian by the court.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 112-0

Committee on Judiciary

CS/HB 1205 — Advertisements for Legal Services

by Civil Justice Subcommittee and Rep. Andrade and others (SB 1246 by Senator Yarborough)

The bill creates s. 501.139, F.S., to regulate certain legal advertisements soliciting clients for personal injury lawsuits against drug manufacturers. These regulations prohibit advertisements for legal services from appearing to offer professional medical advice or advice from a government entity. Moreover, advertisements soliciting clients who may allege an injury from a prescription drug or medical device approved by the Food and Drug Administration must advise such persons to consult with their physicians before making decisions regarding their medications or medical treatment.

The new statute does not limit or otherwise affect the authority of The Florida Bar to regulate the practice of law, enforce its rules of professional conduct, or discipline any person admitted to practice law in in Florida.

A violation of the new statute is deemed a deceptive and unfair trade practice subject to enforcement under the Florida Deceptive and Unfair Trade Practices Act (ch. 501, part II, F.S.).

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 26-11; House 79-37

Committee on Judiciary

CS/HB 1417 — Residential Tenancies

by Judiciary Committee and Reps. Esposito, McClure, and others (CS/CS/SB 1586 by Rules Committee; Judiciary Committee; and Senators Trumbull and Rodriguez)

The bill creates s. 83.425, F.S., to preempt to the state the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under ch. 83, part II, F.S. It also expressly supersedes any local government regulations on matters covered under ch. 83, part II, F.S. Consequently, the bill renders all existing local government ordinances throughout the state that purport to regulate residential tenancies, the landlord-tenant relationship, or any other matters covered under ch.83, part II, F.S., null and void.

The bill amends s. 83.57, F.S., which governs the termination of tenancies without specific terms, to increase the number of days' written notice that a party in a month-to-month tenancy must give the other party before terminating the tenancy, from 15 days to 30 days prior to the end of the monthly period.

The bill also amends s. 83.575, F.S., which governs the termination of tenancies with specific durations. With respect to rental agreements that permit either the landlord or the tenant to terminate the agreement within a specified period at the end of the agreement, the bill revises the amount of notice that the agreement may require from not "more than 60 days' notice," to not "less than 30 days' notice or more than 60 days' notice," from either the tenant or the landlord.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 29-8; House 81-33

Committee on Judiciary

CS/CS/HB 1419 — Real Property Fraud

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Robinson, W. and others (CS/SB 1436 by Judiciary Committee and Senator Bradley)

The bill addresses real property fraud by requiring the clerk of the court in each county, by July 1, 2024, to offer a free electronic notification service to members of the public who register for the service. The service will provide notice of the recording of a land record associated with the name of a specific person.

The bill creates an expedited means for clearing title where a fraudulent deed or other instrument that may affect a real estate title has been recorded; creates a statutory form for a quitclaim deed; and requires, starting January 1, 2024, that the address of each witness to a real estate conveyance be included on any real property conveyance.

The bill also creates a pilot program in Lee County to address real property title fraud by authorizing the clerk of court to require any person presenting a document transferring a real property interest for recording to produce a government-issued photographic identification card. At the end of the 2 year pilot program, the clerk must publish a report on the program. The report must contain data on real property transactions, describe feedback from the public, discuss the program's effectiveness at deterring and detecting title fraud, and recommend whether the program should be expanded to all counties.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 116-0

Committee on Judiciary

SB 1438 — Protection of Children

by Senators Yarborough and Perry

The bill prohibits a person from *knowingly* admitting a child to an adult live performance. In broad, general terms, an adult live performance is a presentation that depicts or simulates nudity, sexual conduct, or specific sexual activities. A person who violates this prohibition commits a first degree misdemeanor, which is punishable by imprisonment that does not exceed 1 year and a fine that does not exceed $1,000.

If a licensed public lodging or public food service establishment or any premises that has a beverage license knowingly admits a child to an adult live performance, the establishment or premises is subject to having that license suspended or revoked and being fined. The fine for a first violation is $5,000, and the fine for a second or subsequent violation is $10,000.

A governmental entity, as defined in the bill, may not issue a permit or authorize a person to conduct an adult live performance who will knowingly admit a child. If a child is admitted, the individual who was issued the permit or other authorization commits a first degree misdemeanor, which is punishable by imprisonment that does not exceed 1 year and a fine that does not exceed $1,000.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 28-12; House 82-32

Committee on Judiciary

SB 1442 — Terrorism

by Senators Collins, Boyd, and Burgess

The bill expands the fugitive disentitlement doctrine to apply to collection activities related to a private civil action concerning terrorism. Accordingly, a fugitive from justice who is a judgment debtor in a civil action concerning an act of terrorism may not use the resources of the state in defending against collection proceedings related to the judgment. Additionally, in such collection proceedings a party is not entitled to a jury trial.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 116-0

Committee on Judiciary

CS/HB 1571 — Juvenile Court Proceedings

by Judiciary Committee and Reps. Silvers, Gottlieb, and others (CS/SB 1440 by Rules Committee and Senator Book)

The bill amends several statutes to authorize the use of audio or audio-video communication technology in dependency and delinquency proceedings. This technology allows people to appear in proceedings remotely, rather than in person. When the parties agree or a court authorizes someone to appear remotely, he or she must be provided instructions for the use of the technology.

The bill also requires each party in a dependency case to provide a primary e-mail address that, in addition to a permanent mailing address, will be used by the court for notice purposes.

The bill is based on procedures for using audio or audio-video technology which were used by the state court system during the height of the COVID-19 pandemic.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 116-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 339 — Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action

by Local Administration, Federal Affairs, and Special Districts Subcommittee and Rep. Yarkosky and others (CS/SB 550 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess)

The bill removes a 1-year residency requirement on educational benefits provided to a dependent child or spouse of a disabled or deceased servicemember through the Scholarships for Children and Spouses of Deceased or Disabled Veterans program. A dependent or spouse of a deceased or disabled person who served in the United States Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, Florida National Guard, or United States Reserve Forces may be eligible for a scholarship under this program if eligibility requirements are met.

The bill revises the residency requirement providing that a dependent child or spouse may receive the educational benefits if Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System database immediately preceding the death or disability of the servicemember or if the dependent child or spouse of the servicemember qualifies as a resident for tuition purposes (RFTP). Qualifying as an RFTP means that the child or spouse is a dependent for purposes of tax filings.

The bill similarly revises educational benefits available to dependent children of prisoners of war, persons missing in action, or persons who died or were disabled during the military operations of Operation Eagle Claw, Operation Urgent Fury, Operation Enduring Freedom, Operation Iraqi Freedom, Operation Desert Shield, or Operation Just Cause.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 111-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 485 — Veterans' Services and Recognition

by Health Care Appropriations Subcommittee and Reps. Salzman, Smith, and others (CS/SB 824 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Collins)

The bill establishes the Division of Long-term Care in the Department of Veterans' Affairs (department) and creates the Veterans' Adult Day Health Care of Florida Act to provide uniform basic standards for the operation of veterans' adult day health care programs for eligible veterans in need of services.

The act provides:

- For appointment of an operator by the Executive Director of the department;
- Eligibility requirements for a veteran to participate in the program;
- Priority order for admission and authority for a self-paying veteran to participate;
- That the program is subject to audit or inspection by the Auditor General or the Office of Program Policy Analysis and Government Accountability; and
- That unless the state's standards are more restrictive, the standards to be applied by the department to regulate program operations are those prescribed by the United States Department of Veterans Affairs.

The bill revises the requirements for employment as a veteran service officer to allow a veteran who served in the active military, naval, or air service and was discharged or released under honorable conditions, or later received an upgraded honorable discharge to qualify.

The bill also provides that the Governor may annually issue a proclamation designating the week of November 11 as Veterans Week, and encourages public officials, schools, private organizations, and all residents to commemorate the week by honoring those who served in times of war and peace.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 574 — Termination of Agreements by a Servicemember

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess

The bill creates a definition of the term "government quarters" applicable to the termination of a rental agreement by a servicemember who receives military orders requiring him or her to move into government quarters, or who becomes eligible to live in and opts to move into government quarters. The effect of adding the definition is that privatized military housing that is owned, operated, or managed by a private sector company may qualify as available government quarters which would allow a servicemember to terminate a private rental agreement.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 115-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 635 — Dental Services for Veterans

by Local Administration, Federal Affairs, and Special Districts Subcommittee and Rep. Maney and others (CS/SB 366 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Burgess, Perry, and Gruters)

The bill establishes the Veterans Dental Care Grant Program within the Department of Veterans' Affairs. The purpose of the program is to provide dental care to in-state veterans.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been honorably released from service or later received an upgraded discharge under honorable conditions.

The bill requires the department to contract with a statewide direct-support organization (DSO) to administer the program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services. The DSO will distribute grants to eligible nonprofits that have experience in providing dental care to veterans.

Funding for the program is subject to legislative appropriation. No funding was provided for the program in SB 2500 for the 2023-2024 fiscal year.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 116-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 1189 — Monuments

by State Administration and Technology Appropriations Subcommittee and Rep. Salzman and others (SB 1020 by Senator Wright)

The bill establishes a Florida Space Exploration Monument to recognize the importance of space exploration in this state, including the past, current, and future contributions of those individuals and families who have gone unrecognized. The Department of Management Services (DMS) will administer the monument and coordinate with the Division of Historical Resources of the Department of State regarding a plan for the monument's design, cost, and placement on the premises of the Capitol Complex.

In addition, the DMS, in consultation with Space Florida, must establish a contest for individuals to submit designs for the monument and to appoint a selection committee to choose the design. The bill requires the DMS to submit the plan to the Governor, President of the Senate, and the Speaker of the House of Representatives by July 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 116-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 1318 — Spaceflight Entity Liability

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Wright

The bill defines the term "crew" to have the same meaning as the federal definition, which defines the term as any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings. The bill revises the definition of the term:

- "Spaceflight activities" to include activities that occur between launch and landing, not just during launch and reentry.
- "Spaceflight entity" to include entities authorized by the United States Government to conduct spaceflight activities. The bill also expands the term to include any manufacturer or supplier of spaceflight components, services, or vehicles by repealing the requirement that such manufacturer or supplier be those reviewed by the United States Federal Aviation Administration as part of issuing a license, permit, or authorization.

The bill extends immunity from liability to a spaceflight entity for an injury or death of spaceflight participant or crew resulting from a spaceflight activity, so long as a required warning statement was provided to and signed by the spaceflight participant or crew. The limited liability from immunity does not apply in certain circumstances.

Additionally, the bill modifies the liability language to require the spaceflight entity to have actual knowledge of an extraordinarily dangerous condition rather than actual knowledge or reasonable knowledge of a dangerous condition in order to be held responsible. Furthermore, the extraordinarily dangerous condition must be one that is not inherent in spaceflight activities.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 107-5

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/SB 1480 — Grants for Nonprofit Organization Safety

by Appropriations Committee on Transportation, Tourism, and Economic Development; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Calatayud

The bill creates the Nonprofit Security Grant Program (program) in the Division of Emergency Management (division). The program's purpose is to award grants to nonprofit entities, including houses of worship and community centers, which are at high risk for violence and hate crimes and were deemed eligible for but did not receive funding from the United State Department of Homeland Security's Nonprofit Security Grant Program. The grant funds may be used for hiring security personnel, training security personnel and staff on threat awareness and emergency procedures, and to purchase and install:

- Security infrastructure;
- Perimeter lighting;
- Door hardening;
- Security camera systems;
- Perimeter fencing;
- Barriers and bollards;
- Blast-resistant film; and
- Shatter-resistant glass for windows.

An owner of a facility may apply for a grant for hardening or nonhardening security measures and a renter of a facility may apply for a grant for nonhardening security measures. The bill requires the division to adopt rules to administer the program, including, but not limited to, criteria for awarding funds for hardening and nonhardening measures, the grant award process, and how to determine the need for funds to be awarded to an owner or renter of a facility that has been operational for at least 6 months or that has received a significant number of threats.
If funds are appropriated to the program, the bill provides the program's minimum award is $10,000 and the maximum award is $150,000. The bill provides that the division may use up to 3 percent of funds appropriated for the program for administration. No funds were appropriated for the program in SB 2500 for the 2023-2024 fiscal year.

The program will be repealed as of January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 118-0

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 7041 — Space Florida

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Reps. Sirois, Duggan, and others (CS/SB 7048 by Rules Committee and Military and Veterans Affairs, Space, and Domestic Security Committee)

The bill revises provisions governing Space Florida to increase collaboration on spaceport activities, enhance transparency measures on spaceport projects, and administratively transfer Space Florida from Enterprise Florida, Inc., to the Department of Economic Opportunity (DEO). Statutory cross-references are updated to reflect the change in the managing agency. Additional compliance provisions relating to transparency, auditing, and reporting with specific deadlines are established for Space Florida. Results of Space Florida's accomplishments and activities and progress towards the spaceport's master plan and goals are to be incorporated into the DEO's annual report. Space Florida will be subject to evaluation of its effectiveness by the Office of Program and Policy Analysis every 3 years, similar to other public-private partnerships.

The bill creates an independent Space Florida board of directors. The 12-member board consists of the Governor, who shall serve ex officio, or who may appoint a designee, to serve as the chair and a voting member of the board, the Secretary of Transportation or his or her designee, eight members appointed by the Governor and subject to Senate confirmation, one member appointed by the Senate President, and one member appointed by the Speaker of the House of Representatives. Of these board members, three gubernatorial appointees are identified as ex officio, nonvoting members, representing the Jacksonville Aviation Authority, the Titusville-Cocoa Airport Authority, and a port district or authority. The bill establishes membership and appointment criteria and term lengths, prohibits compensation, provides per diem and travel limits, allows electronic meetings, and provides quorum requirements. The DEO will conduct training for newly appointed board members.

The bill directs Space Florida to:

- Collaborate, partner, and solicit input from entities who have an interest or stake in the aerospace industry, the spaceport, the spaceport territory, and space exploration.
- Make certain notifications to the Department of Transportation when constructing or maintaining roads within the spaceport territory.
- Include additional economic data in the Space Florida annual report.
- Explain certain travel and entertainment expenditures and address recent audit findings.
- Assess contracts for services by including provisions requiring an independent auditor report of their effectiveness periodically and at the end of the contract.
- Complete a risk-based compliance assessment every 3 years of all internal contracts.

The bill prohibits Space Florida from endorsing any political candidates or making any political campaign donations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 114-0

Committee on Regulated Industries

CS/CS/HB 125 — Utility System Rate Base Values

by Commerce Committee; Energy, Communications and Cybersecurity Subcommittee; and Rep. McClain (CS/SB 194 by Regulated Industries Committee and Senator Hooper)

The bill creates s. 367.0811, F.S., to authorize public water and wastewater utilities to utilize an alternative fair market valuation methodology to establish the rate base for an acquired water or wastewater utility system using the lesser of either:

- The purchase price paid for the acquired utility; or
- The average of three appraisals of the value of the acquired utility (appraised by three licensed appraisers chosen from a list established by the Florida Public Service Commission (PSC).

The acquiring utility and the utility system to be acquired (acquiree) must jointly retain a licensed engineer to assess the tangible assets of the acquiree. This assessment must be provided to the appraisers to assist in valuing the acquiree.

A rate base petition filed pursuant to s. 367.0811, F.S., must include a number of disclosures relating to the specifics of the acquisition, projected rate impacts, and, in some circumstances, a rate stabilization plan. The acquisition must be an arm's length transaction, and the bill establishes a minimum size for the acquiring utility.

In considering the petition, the bill directs the PSC, at minimum, to consider all of the following:

- Improvements in quality of service.
- Improvements in compliance with regulatory requirements.
- Rate reductions or rate stability over a long-term period.
- Cost efficiencies.
- Demonstration that the purchase is being made as part of an arm's length transaction.
- Economies of scale to be generated by the transaction.
- Comparison of the acquirer's net book value, to the extent available, and the proposed rate base value of the acquiree.
- Demonstration that the acquirer has greater access to capital than the acquiree.

The PSC may use these standards to set reasonable performance goals and may review performance regarding the standards in a rate proceeding. For future rate cases, the PSC may classify the acquired utility system as a separate entity for ratemaking purposes if it is deemed to be in the public interest.

The bill also directs the PSC to adopt rules to implement s. 367.0811, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 112-2

Committee on Regulated Industries

CS/CS/SB 154 — Condominium and Cooperative Associations

by Fiscal Policy Committee; Regulated Industries Committee; and Senators Bradley and DiCeglie

The bill revises the milestone inspection requirements for condominium and cooperative buildings that are three or more stories in height to:

- Limit the milestone inspection requirements to buildings that include a residential condominium or cooperative;
- Provide that the milestone inspection requirements apply to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings;
- Clarify that all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection;
- Require a building that reaches 30 years of age before December 31, 2024, to have a milestone inspection before December 31, 2024;
- Delete the 25-year milestone inspection requirements for buildings that are within three miles of the coastline;
- Authorize the local enforcement agencies that are responsible with enforcing the milestone inspection requirements the option to set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater;
- Authorize the local enforcement agency to extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the building have entered into a contract with an architect or engineer to perform the milestone inspection and it cannot reasonably be completed before the deadline;
- Permit local enforcement agencies to accept an inspection and report that was completed before July 1, 2022, if the inspection and report substantially comply with the milestone requirements; however, associations must still comply with the unit owner notice requirements, and if a local enforcement agency accepts a previous inspection as a milestone inspection, the deadline for a subsequent 10-year re-inspection is based on the date of a previous inspection;
- Provide that the inspection services may be provided by a team of design professionals with an architect or engineer acting as a registered design professional in responsible charge;
- Provide that the condominium or cooperative association is responsible for all costs associated with the inspection attributable to the portions of the building for which it is responsible under the governing documents of the association;
- Require associations to give unit owners notice about the inspection deadlines, electronically or by posting on the association's website, within 14 days after they receive the initial milestone inspection notice from local enforcement agency;
- Require the milestone inspector to submit a phase two progress report to the local enforcement agency within 180 days of submitting the phase one inspection report; and

- Clarify that an association must distribute a copy of the summary of the inspection reports to unit owners within 45 days of its receipt.

The Florida Building Commission is required by the bill to establish by rule a building safety program to implement the milestone inspection requirements within the Florida Building Code. The commission must specify the minimum requirements for the commission's building safety program by December 31, 2024, including inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority having jurisdiction.

The bill exempts unit owner policies from the requirement that all personal lines residential policies issued by the Citizens Property Insurance Corporation must include flood coverage.

Regarding the governance of condominium or cooperative, the bill

- Clarifies that any unit owner and any person authorized by any owner as his or her representative may inspect the official records of the association; and
- Excludes insurance premiums from the calculation which permit members to petition for a substitute budget if assessments increase by 115 percent.

The reserve funding requirements relating to condominium and cooperative associations are revised by the bill to:

- Require associations that are subject to the structural integrity reserve study (SIRS) requirement to base a budget adopted on or after January 1, 2025, on the findings and recommendations of the association's most recent SIRS;
- Clarify that reserves are required for the SIRS items for which the association is responsible under the condominium declaration;
- Clarify that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the SIRS study may recommend a deferred maintenance expense amount for such item;
- Permit associations that are not subject to the SIRS requirement to waive reserves if approved by a majority vote of the total voting interests of the association;
- Permit multicondominium associations to waive reserves if an alternative funding method has been approved by the division; and
- Provide that reserve assessments may be adjusted for inflation.

The bill amends the SIRS requirements to:

- Limit the SIRS requirement to residential condominiums and cooperatives;
- Clarify that the SIRS recommendation must include a reserve funding schedule;
- Include the building structure as a SIRS building component, consisting of load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706, F.S., and delete "floor" and "foundation" from the list;
- Permit the visual inspection portion of the SIRS to be verified by an engineer or architect;

- Permit persons who have been certified as a reserve specialist, or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts to perform or verify the visual inspection portion of the SIRS;
- Exempt from the SIRS requirement:
  - Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
  - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.
- Permit associations that are required to complete a milestone inspection on or before December 31, 2026, to complete the SIRS simultaneously with the milestone inspection, but the associations must complete the SIRS by December 31, 2026; and
- Permit associations to satisfy the SIRS requirement with a previous milestone inspection, or an inspection performed for a similar local requirement, if the inspection had been performed within the previous five years.

Effective July 1, 2027, the bill permits condominium and cooperative unit owners to use the mediation process in this section for specified disputes related to compliance with the milestone inspection or SIRS requirements.

Regarding the turnover inspection report that a developer must provide to the association when condominium and cooperative unit owners other than the developer are authorized to elect the majority of the board, the bill permits reserve specialists and professional reserve analysts to prepare the turnover report in addition to engineers and architects, and adds the turnover inspection report to the required presale disclosures.

The bill also provides additional presale notice requirements in contracts for sales of a unit by a developer or nondeveloper. A developer and a nondeveloper must give a prospective buyer of a condominium or cooperative unit a copy of a turnover inspection report completed on or after July 1, 2023, if applicable, and a copy of the inspector-prepared summary of the milestone inspection, if applicable. This provision is similar to current contract notices to unit owners obligated to furnish certain governing documents to the prospective buyer of a unit more than three days before closing for sales by a nondeveloper or 15 days before closing for sales by a developer. A contract that does not conform to these notice requirements is voidable at the option of the purchaser prior to closing.

The bill also provides an appropriation ($1,301,928 recurring and $67,193 nonrecurring) to the Division of Florida Condominiums, Timeshare, and Mobile Homes within the Department of Business and Professional Regulation to implement the requirements in the bill, including funds for 10 additional full-time employees.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 118-0

Committee on Regulated Industries

CS/HB 341—911 Public Safety Telecommunicator Certifications

by Health and Human Services Committee and Rep. Amesty and others (CS/SB 980 by Regulated Industries Committee and Senators Brodeur and Stewart)

The bill amends s. 401.465, F.S., to increase the timeframe, from 180 days to six years, within which a 911 public safety telecommunicator (PST) certificateholder may renew an involuntarily inactive PST certificate before said certificate permanently expires. Currently, such a six-year inactive period and renewal window is limited only to PST certificateholders electing to place their certificate in voluntary inactive status and paying a $50 fee to the Department of Health (DOH), prior to the certificate expiring 180 days after the renewal was due. In extending the six-year renewal period to all inactive PST certificates, the bill eliminates all statutory distinctions between involuntarily or voluntarily inactive PST certificates and allows up to six years for any PST certificateholder to renew a PST certificate before the certificate irrevocably expires.

The bill also:

- Prohibits the DOH from requiring the PST certificateholder to pay a fee or make an election before placing a certificate in inactive status.
- Provides that for any fee paid by a PST certificateholder to place their certificate in inactive status in the past six years, the DOH shall apply that fee paid to the cost of renewing the certificateholder's certificate.
- Provides that the bill is remedial in nature and applies retroactively to any PST certificate that has expired pursuant to s. 401.465(2)(f), F.S., during the six-year period before the effective date of the act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 114-0

Committee on Regulated Industries

CS/CS/HB 437 — Property Owners' Right to Install, Display, and Store Items

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Buchanan and others
(CS/SB 1454 by Regulated Industries Committee and Senator Gruters)

The bill expands the types of flags that a homeowner may display as a portable, removable flag display, notwithstanding any covenant, restriction, bylaw, or requirement of a homeowners' association. Under the bill, a homeowner may display up to two of:

- The United States flag;
- The official flag of the State of Florida;
- A flag that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard;
- A POW-MIA flag; or
- A first responder flag that may incorporate the design of any other allowed flag permitted to form a combined flag.

The bill defines the term "first responder flag" to mean a flag that recognizes and honors the service of any of the following:

- Law enforcement officers;
- Firefighters;
- Paramedics or emergency medical technicians;
- Correctional officers;
- 911 public safety telecommunicators;
- Advanced practice registered nurses, licensed practical nurses, or registered nurses;
- Persons participating in a statewide urban search and rescue program developed by the Division of Emergency Management; or
- Federal law enforcement officers.

Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, in addition to the United States flag, a homeowner may display one of the flags identified above on a flagpole.

Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, current law permits members of a homeowners' association to display one portable, removable United States flag or official flag of the State of Florida in a respectful manner. Under current law, homeowners may also display one portable, removable official flag, in a respectful manner, not larger than 4.5 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, or a POW-MIA flag.

In addition, the bill provides that, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from storing or displaying any items

on a parcel which are not visible from the parcel's frontage or an adjacent parcel, including, but not limited to, artificial turf, boats, flags, and recreational vehicles.

The bill also allows unit owners in condominium associations to display one portable and removable flag on Patriot Day (September 11) that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 110-0

Committee on Regulated Industries

CS/CS/HB 639 — Issuance of Special Beverage Licenses

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Rep. Esposito and others (CS/CS/SB 1262 by Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator Martin)

The bill reduces the number of persons a bona fide special food service establishment alcoholic beverage licensee must be equipped to serve meals at one time from 150 persons to 120 persons. It also decreases the minimum square feet of service area required for a special food service establishment alcoholic beverage license from 2,500 square feet of service area to 2,000 square feet of service area. The bill also requires that the establishments hold themselves out as restaurants and have at least 120 physical seats that are available for patrons to use during operating hours.

A special food service establishment alcoholic beverage license, known as an SFS license, is an exception to the limit on the number of alcoholic beverage licenses for the sale of distilled spirits permitted per county (quota licenses). Under current law, a special food service establishment must have at least 2,500 square feet of service area, be equipped to serve 150 persons at one time, and derive at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages, during the first 60-day operating period and each 12-month operating period thereafter.

The bill also revises the alcoholic beverage license requirements for a bona fide beach or cabana club to include bathroom facilities among the list of facilities that a beach or cabana club must have to qualify for a special club license. Current law requires such businesses to have beach facilities, and locker rooms for at least 100 persons. The bill repeals the requirements that a beach or cabana club must have a restaurant with seats at tables for at least 100 persons. Instead it requires that the beach or cabana club include a public food service establishment as defined in s. 509.013(5), F.S. The bill maintains the requirement in current law that a beach or cabana club must have an area of at least 5,000 square feet located on a contiguous tract of land in excess of one acre.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 107-0

Committee on Regulated Industries

HB 719 — Practice of Veterinary Medicine

by Rep. Killebrew and others (SB 722 by Senator Burton)

The bill exempts a veterinarian who has an active license in good standing in another United States jurisdiction to perform, as an unpaid volunteer (exempted unpaid volunteer), dog and cat sterilization services, and routine preventative health services at the time of such sterilization services.

The exempted unpaid volunteer must be under the responsible supervision of a Florida-licensed veterinarian, which requires control, direction, and regulation by a licensed veterinarian of the veterinary services delegated to unlicensed personnel. The supervising licensed veterinarian is responsible for all acts performed by an exempted unpaid volunteer acting under such supervision.

An exempted unpaid volunteer, if not otherwise licensed as a veterinarian in Florida, is not eligible to apply for a premises permit for a permanent or mobile establishment in which veterinary services may be provided.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 106-0

Committee on Regulated Industries

CS/CS/SB 752 — Temporary Commercial Kitchens

by Commerce and Tourism Committee; Regulated Industries Committee; and Senator Calatayud

The bill regulates temporary commercial kitchens in the same manner as mobile food delivery vehicles (MFDVs or food trucks). The bill defines the term "temporary commercial kitchen" to mean "any kitchen that is a public food service establishment, used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal." The term does not include a tent.

Temporary kitchens are typically used when fixed kitchens are unavailable, e.g., when damaged by a fire, or during remodeling, when extra kitchen space is needed, and for catering at events. Temporary kitchens may also be used after a natural disaster, such as a hurricane. Temporary kitchens are contained in a variety of modular structures, such as portable cabin structures, modular buildings, towed trailers, or standard freight containers.

The bill:

- Requires operators of public food service establishments who provide commissary services to temporary commercial kitchens to maintain a registry to verify that each temporary commercial kitchen that receives such services is properly licensed;
- Requires operators of temporary commercial kitchens to properly display their public food service establishment license number to assist the public food service establishment to verify the licensure of the temporary commercial kitchens;
- Preempts regulation of licenses, registrations, permits, and fees for temporary commercial kitchens to the state; and
- Authorizes MFDVs and temporary commercial kitchens that are operated on the same premises of a separately licensed public food service establishment to operate during the same hours of operation as the separately licensed public food service establishment.

Under the bill, a licensed permanent food service establishment may operate a temporary commercial kitchen:

- On site for the purpose of supplementing the kitchen operations for 60 consecutive days, with one potential 60 day extension; and
- On site or nearby during a period of renovation, repair, or rebuilding, for 120 days, with possible extension.

The bill also allows a licensed permanent food service establishment to operate a temporary commercial kitchen on site or reasonably nearby if the establishment or land is rendered uninhabitable due to natural disaster, with notification to DBPR every 90 days.

Except as authorized by the bill, temporary commercial kitchens may not operate in one location for longer than 30 consecutive days.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Regulated Industries

CS/CS/SB 770 — Residential Loan Alternative Agreements

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

The bill regulates residential loan alternative agreements for the disposition of residential real property. Under the bill, a "residential loan alternative agreement" means a signed writing between a person and a seller or owner of residential real property which grants an exclusive right to a person to act as a broker; has an effective duration, inclusive of renewals, of more than two years; and requires the person to pay monetary compensation to the seller or owner.

The bill defines "disposition" to mean a transfer or voluntary conveyance of the title or other ownership interest in residential real property. "Residential property" is defined as improved residential property of four or fewer residential dwelling units or unimproved property on which four or fewer units may be built.

The bill prohibits a residential loan alternative agreement from authorizing a person to place a lien or otherwise encumber any residential real property. Nor can a residential loan alternative agreement constitute a lien, an encumbrance, or a security interest in the residential real property.

Under the bill, a court may not enforce a residential loan alternative agreement by a lien or constructive trust in the residential real property or upon the proceeds of the disposition of the residential real property.

The bill provides that a residential loan alternative agreement may not be assigned and becomes void if the listing services do not begin within 90 days after the execution of the agreement by both parties. The bill provides that, as a matter of public policy, a residential loan alternative agreement that does not meet these requirements is unenforceable in law or equity and may not be recorded by the clerk of the circuit court.

Additionally, the bill provides that a violation of the requirements in the bill is an unfair or deceptive trade practice within the meaning of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), and the violator is subject to the penalties and remedies provided by FDUTPA, which include a civil penalty of no more than $10,000 for willful violations and reasonable attorney's fees and costs for the enforcing authority if civil penalties are assessed in any litigation.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Regulated Industries

CS/CS/HB 869 — Department of Business and Professional Regulation

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; and Rep. McClain (CS/CS/SB 782 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Hooper)

The bill revises licensing and regulatory requirements for businesses and professions administered by the Department of Business and Professional Regulation (DBPR), including mold-related professionals, asbestos abatement professionals, electrical and alarm system contractors, certain public lodging establishments, and certain public food service establishments.

Relating to mold-related professional licensing regulations, the bill authorizes a method for persons who have held a license in another state or territory for at least 10 years to obtain a Florida license.

Relating to asbestos professional licensing regulations, the bill:

- Authorizes a method for asbestos consultants who have held a license in another state for at least 10 years and meet examination and education requirements to obtain a Florida license; and
- Removes limits of bondability and credit as required criteria for determining the financial stability of an applicant for licensure.

Relating to electrical and alarm system contractors licensing, the bill removes an existing deadline for registered electrical and alarm systems contractors to seek authorization to engage in their trades throughout the state at any time.

Relating to the licensing, inspection, and regulation of public lodging establishments and public food service establishments by the Division of Hotels and Restaurants (DHR) in the DBPR which are not otherwise exempt, the bill:

- Requires licensees to establish and accurately maintain an online account with the DHR and provide an email address to the DHR as a primary contact method; the DHR must implement the online account requirements and provide a method to opt-out of online accounts, by rule.
- Requires licensees and licensed agents managing a license classified as a vacation rental or timeshare project to timely submit address changes and changes in the number of houses or units covered by the license within 30 days of the change;
- Allows the DHR to serve inspection reports and other notices to operators of such establishments by email, in-person delivery, or mail; and
- Allows a transient public lodging establishment guest register to be kept in an electronic format and removes the requirement for guests to sign the register.

Relating to boxing matches held solely for training purposes, the bill removes a restriction on the maximum difference in weight of participants, eliminating the 12 pound weight differential for such matches in current law.

Relating to the Florida Building Code (building code), the bill authorizes the Florida Building Commission to delay the energy provisions of the building code for an additional three months, if energy code compliance software is not approved at least three months before the updated building code's effective date.

Regarding package stores licensed to sell beer, wine, and distilled spirits (liquor) for consumption off the premises which may only sell certain types of products including tobacco products, the bill authorizes such licensees to sell nicotine products such as electronic cigarettes.

Relating to timeshare plans, the bill:

- Eliminates certain requirements for the offering of incidental benefits in the sale of a timeshare plan, including repealing the 15 percent of the purchase price limitation on the aggregate represented value of all incidental benefits offered by the developer, the requirement that an acknowledgement and disclosure statement indicate the source of the services, points, or other products that constitute the incidental benefit, and the requirement that the developer promptly notify the Division of Florida Condominiums, Timeshares, and Mobile Homes of the DBPR upon learning of the unavailability of any incidental benefit;
- Extends from one year to five years the period to void a contract when a closing unlawfully occurred before the cancellation period's expiration, and retains the one-year right for a purchaser to void a contract if he or she knowingly or unknowingly waived the right to cancel the contract within the 10-day cancellation period;
- Revises public offering statement requirements to allow the developer's description of each component site for a multisite timeshare plan to be provided to the purchaser electronically, and to provide that a developer is not required to file a separate public offering statement for any component site located within or outside Florida, in order to include the component site in the multistate timeshare plan.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-1; House 106-0

Committee on Regulated Industries

CS/CS/HB 919 — Homeowners' Associations

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Reps. Porras, Fernandez-Barquin, and others (CS/CS/SB 1114 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Rodriguez)

The bill may be cited as "Homeowners' Association Bill of Rights." It revises the requirements for the governance and regulation of homeowners' associations to:

- Require all notices for homeowners' association board meetings to specifically identify the agenda items for the meetings;
- Revise the requirements for the association's use of a member's e-mail to send notices, including allowing a member to designate an address different than the property address for all required notices;
- Require that, if a homeowners' association collects a deposit from a member for any reason, including to pay for expenses that may be incurred as a result of construction on a member's parcel or other reason for such deposit, such funds must not be comingled with any other association funds, the member may request an accounting of such funds, and the association must remit payment of unused funds within 30 days after completion;
- Provide that an officer, director, or manager who accepts kickbacks is subject to monetary damages under s. 617.0834, F.S., relating to the conditions imposing civil liability on the officers and directors of corporations and associations not for profit;
- Provide that an officer or director must be removed from office, and their access to official records denied, if charged with the crimes of forgery of a ballot envelope or voting certificate used in a homeowners' association election, theft or embezzlement of association funds, destruction of or refusing to allow inspection of association records, if such records are accessible by association members, in furtherance of any crime; or obstruction of justice;
- Require directors and officers of an association, including a developer-controlled association, to disclose specified activities which may pose a conflict of interest;
- Clarify that a developer's appointment of an officer or director does not create a presumption that the officer or director has a conflict of interest with regard to the performance of his or her official duties;
- Revise the notice requirements for imposing and collecting fines, including providing members notice of how to cure a violation, if applicable; and
- Provide criminal prohibitions related to fraudulent voting activities that are punishable as first degree misdemeanors, including preventing members from voting, and menacing, threatening, or using bribery to directly or indirectly influence or deter a member from voting.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.
Vote: Senate 39-0; House 113-0

Committee on Regulated Industries

HB 1091 — Licensing Fee Relief

by Rep. Alvarez and others (SB 7046 by Regulated Industries Committee)

The bill requires the Department of Business and Professional Regulation (DBPR) to waive certain license application and license fees until July 1, 2025. Under the bill, the following fees must be waived during Fiscal Year 2023-2024 and Fiscal Year 2024-2025:

- 50 percent of the initial licensing fee for an applicant applying for an initial license for a profession, up to $200 per year per license.
- 50 percent of a licensee's license renewal fee, up to $200 per year per license.

The bill provides that waived fees may not include any applicable unlicensed activity fees or background check fees.

The above provisions expire July 1, 2025.

The bill appropriates $50 million in nonrecurring funds from the General Revenue Fund to the DBPR's Professional Regulation Trust Fund for the 2023-2024 fiscal year. Any unexpected balance of funds from this appropriation remaining on June 30, 2024, must revert and is appropriated to the DBPR for the 2024-2025 fiscal year for the same purpose.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 37-0; House 115-0

Committee on Regulated Industries

CS/HB 1221 — Broadband Internet Service Providers

by State Administration and Technology Appropriations Subcommittee and Rep. Tomkow
(CS/SB 626 by Regulated Industries Committee and Sen. DiCeglie)

The bill amends s. 425.04, F.S., regarding the powers of rural electric cooperatives, to specify that such cooperatives have the power to engage in the provision of broadband service. The bill also creates s. 364.391, F.S., which requires that if a cooperative engages in the provision of broadband:

- All poles owned by that cooperative are subject to pole attachment regulation by the Public Service Commission (PSC) under s. 366.04(8), F.S., as if the cooperative was a public utility; and
- The PSC may access the books and records of the cooperative for the limited purpose of exercising the PSC's pole regulatory authority. Such records would be subject to the same confidentiality protection procedures as other records utilized in PSC proceedings.

Under the provisions of the bill, "engaging in the provision of broadband" means providing broadband internet service directly, through an affiliate, or pursuant to an agreement with a third party; or receiving specified types of state or federal broadband grant funding.

The bill also provides that the rural electric cooperative pole attachment regulatory authority established pursuant to the bill may not be construed to impair the contract rights of a party to a valid rural electric cooperative pole attachment agreement in existence before July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 105-0

Committee on Regulated Industries

CS/CS/HB 1383 — Specialty Contractors

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; and Reps. Trabulsy and Mooney (CS/CS/SB 1570 by Rules Committee; Regulated Industries Committee; and Senators Hooper and Osgood)

The bill amends s. 163.211, F.S., relating to the preemption of occupational licensing to the state, to extend by one year, to July 1, 2024, the date that local governments may require and issue local occupation licenses, but only if such licensing was imposed by the local government before January 1, 2021.

The bill requires the Construction Industry Licensing Board in the Department of Business and Professional Regulation to establish by rule, certified specialty contractor categories for voluntary licensing by July 1, 2024, as specified in the bill.

Under the bill, for specified job scopes exempted from local licensing in current law, local governments are prohibited from requiring state or local licenses for work that is covered by state licensing, and from requiring a permit for such work.

As to job scopes exempted from local occupational licensing in current law, the bill adds the job scope of "pressure washing."

The bill authorizes a county that includes an area of critical state concern pursuant to s. 380.05, F.S., to offer a license for any job scope that requires a construction contracting license, if the county imposed such a licensing requirement before January 1, 2021.

A local government may continue to offer certain licenses, if such licensing was required before January 1, 2021.

A local government may not require a license as a prerequisite to submit a bid for a public works project, if the work does not require a license under general law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-0; House 109-0

Committee on Regulated Industries

CS/CS/CS/SB 1418 — Emergency Communications

by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Sen. Bradley

The bill (Chapter 2023-55, L.O.F.) amends Florida law to support and reflect the transition from enhanced 911 (E911) to Next Generation 911 (NG911), to revise legislative intent regarding such services, and to revise the composition, name, duties, and meeting frequency of the current E911 Board (renamed in the bill to be the Emergency Communications Board [EC Board]). Under the bill, the EC Board is given the additional responsibility of advocating and developing policy recommendations to ensure interoperability and connectivity between public safety communication systems within the state. The EC Board is also authorized, under the bill, to establish a schedule for implementing NG911 systems, public safety radio communications systems, and other public safety communications improvements. The EC Board may prioritize disbursement of revenues pursuant to this schedule to implement 911 services in the most efficient and cost-effective manner.

The bill also revises the distribution of revenue collected from a monthly fee to fund 911 services assessed on voice communications services in the state, removes county exceptions to the state's uniform rate for this fee, and revises the expenditures that are eligible to be paid by revenue collected from this fee. The EC Board must ensure that county recipients of funds only use such funds for the purposes for which they have been provided. If the EC Board determines the funds were not used for the purposes for which they were provided, the EC Board may secure county repayment of improperly used funds. Changes, modifications, or upgrades to the emergency communications systems or services must be made in cooperation with the head of each law enforcement agency served by the primary Public Safety Answering Point (PSAP) in each county.

The bill also requires the Division of Telecommunications to develop a plan by December 30, 2023, to upgrade 911 PSAPs within the state to allow the transfer of an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state by December 30, 2033.

These provisions were approved by the Governor and take effect July 1, 2023, unless otherwise provided.
Vote: Senate 37-0; House 116-0

Committee on Regulated Industries

HB 1459 — Registration Fees for Malt Beverage Brands and Labels

by Rep. Yeager and others (SB 658 by Senator Burgess)

The bill limits the application of the annual malt beverage brand and label registration fee of $30 to brands and labels for malt beverages sold to a distributor. Under the bill, the malt beverage manufactures would not be required to register a brand or label for a malt beverage and pay the $30 registration fee if the malt beverage is not sold to a distributor and is sold directly to the consumer at the manufacturer's licensed premises.

Current law requires manufacturers, brewers, bottlers, distributors, and importers of malt beverages, whether licensed under Florida's laws or not, to register their name and the brands and labels of their malt beverages with the Division of Alcoholic Beverages and Tobacco, within the Department of Business and Professional Regulation before the malt beverages may be sold or offered for sale in Florida, or move or cause to be moved within or into Florida.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 38-1; House 116-0

Committee on Regulated Industries

SB 7044 — Changes in Ownership or Interest in Pari-mutuel Permits

by Regulated Industries Committee

The bill revises provisions relating to pari-mutuel wagering permits, cardroom licenses, and annual operating licenses to address an inadvertent oversight respecting the sale, transfer, or assignment of permits and issuance of cardroom licenses.

The bill revises s. 550.054(15), F.S., relating to permits for the conduct of pari-mutuel wagering, to clarify that a pari-mutuel permit may be held by a permitholder who held an operating license to conduct pari-mutuel wagering in Fiscal Year 2020-2021 or a purchaser, transferee, or assignee of a valid pari-mutuel permit, if the purchase, transfer, or assignment is approved by the Florida Gaming Control Commission before such purchase, transfer, or assignment. However, current law prohibiting the commission from approving or issuing any additional pari-mutuel wagering permits remains in effect.

Similarly, the bill revises s. 849.086(5), F.S., relating to cardrooms authorized to operate in the state, to clarify that a purchaser, transferee, or assignee of a valid pari-mutuel wagering permit may be issued a license to operate an authorized cardroom.

The bill conforms the annual operating license requirements in current law to the pari-mutuel wagering permit provisions that are revised in the bill, to authorize the issuance of an annual operating license to an eligible purchaser, transferee, or assignee of a valid pari-mutuel wagering permit.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 109-5

Committee on Rules

CS/SM 160 — Redesignation of the Revolutionary Armed Forces of Columbia (FARC) as a Foreign Terrorist Organization

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Avila and Collins

The memorial is to the United States Department of State and urges the United States Secretary of State to redesignate the Revolutionary Armed Forces of Columbia (FARC) as a Foreign Terrorist Organization. The memorial attests to the Legislature's firm commitment to Columbia, and opposes the Biden Administration's removal of the FARC's designation as a Foreign Terrorist Organization.

The memorial requires the Secretary of State to dispatch copies of the memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the state delegation to the United States Congress.

Vote: Senate Adopted; House Adopted

Committee on Rules

SM 176 — Balancing the Federal Budget

by Senator Avila

The memorial urges members of Congress to reduce the current national debt and enact legislation requiring a balanced federal budget.

Memorials are mechanisms for formally petitioning the federal government to act on a particular subject.

Vote: Senate Adopted; House Adopted

Committee on Rules

SM 848 — People of Iran

by Senators Powell, Brodeur, Book, and Perry

The memorial urges the Congress of the United States to stand in support of the fight for freedom of the people of Iran.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Vote: Senate Adopted; House Adopted

Committee on Rules

SM 1036 — Florida National Guard

by Senator Wright

The memorial urges the Congress of the United States to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Vote: Senate Adopted; House Adopted

Committee on Rules

SM 1382 — United States Department of Defense

by Senators Collins and Hooper

The memorial urges the Congress of the United States to use authorization and appropriation authorities to prohibit specified social engineering and experimentation practices and mandate a return to a merit-based system for military force and development.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Vote: Senate Adopted; House Adopted

Committee on Rules

CS/HB 1521 — Facility Requirements Based on Sex

by Regulatory Reform and Economic Development Subcommittee and Rep. Plakon and others
(CS/SB 1674 by Fiscal Policy Committee and Senators Grall and Perry)

The bill creates s. 553.865, F.S., the "Safety in Private Spaces Act," and states the legislative purpose and intent of the bill as providing restrooms and changing facilities for exclusive use by females or males, respective to their sex, in order to maintain public safety, decency, decorum, and privacy.

The bill:

- Establishes a procedure for individuals to notify authorized persons for the public sector entities subject to the bill (the covered entities described below), that a person of the opposite sex has entered into a restroom or changing facility designated for exclusive use for females or males. The bill does not apply to persons born with a medically verifiable genetic disorder of sexual development under treatment by a physician, with specified conditions.
- Defines these terms:
  - "Female" means "a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs"; and
  - "Male" means "a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm."
- Specifies the term "covered entities" means state adult correctional institutions, educational facilities (K-12 to university level), juvenile correctional facilities and secure detention centers, county and city detention facilities (jails), and public buildings that are owned or leased by the state, a state agency, or a county, city, or special district.
- Sets forth the circumstances in which entry to a restroom or changing facility designated for the opposite sex on the premises of a covered entity is appropriate:
  - To accompany a person of the opposite sex to assist or chaperone a child under 12 years of age, an elderly person, or a person with a disability or developmental disability;
  - For law enforcement or governmental regulatory purposes;
  - For rendering emergency medical assistance or intervening in any other emergency situation where the health or safety of another person is at risk;
  - For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
  - If the appropriate designated restroom or changing facility is out of order or under repair, and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.
- Specifies by type of covered entity, the persons who are authorized to request another person depart from restrooms or changing facilities designated for the opposite sex on the premises of a covered entity.

- Requires covered entities that maintain a water closet (toilet or urinal) or a changing facility (dressing room, fitting room, locker room, changing room, or shower room) to have, at a minimum:
  - Restrooms or changing facilities that are designated for exclusive use by females and for exclusive use by males; or
  - A unisex restroom or changing facility (intended for a single-occupant or a family in which a person may be in a state of undress, enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents someone from entering while the room is in use).
- Requires each type of covered entity to apply existing disciplinary procedures or establish disciplinary procedures or policies, as applicable, for employees, certain persons under its control, and other personnel described in the bill who willfully enter a restroom or changing facility designated for the opposite sex on the premises of the covered entity, for a purpose other than the authorized uses listed in the bill, and who refuse to depart when asked to do so by an authorized person.
- Provides that any person who willfully enters a restroom or changing facility designated for the opposite sex on the premises of a covered entity, for a purpose other than the authorized uses listed in the bill, who refuses to depart when asked to do so by a person authorized to make such a request, commits the criminal offense of trespass. Certain employees, staff, and others authorized to be on the premises of a covered entity are not subject to this provision.
- Requires each educational institution to establish in its code of student conduct disciplinary procedures for any student who willfully enters a restroom or changing facility designated for the opposite sex on the premises of the educational institution, for a purpose other than the authorized uses listed in the bill, and refuses to depart when asked to do so by an authorized person.
- Requires covered entities to submit documentation regarding compliance with the minimum requirements for restrooms and changing facilities, if applicable, within one year after being established or, if the institution or facility was established before July 1, 2023, no later than April 1, 2024, to the Board of Governors, the Department of Corrections, the Department of Juvenile Justice, or the State Board of Education, as applicable.
- Provides that beginning July 1, 2024, a person may submit a complaint to the Attorney General alleging that a covered entity failed to meet the minimum requirements for restrooms and changing facilities required by the bill, and that failure to comply with the minimum requirements for restrooms and changing facilities subjects a covered entity to licensure or regulatory disciplinary action.
- Authorizes the Attorney General to take enforcement action against covered entities through the judicial system beginning July 1, 2024, by seeking injunctive relief, and by seeking a fine of up to $10,000 for any covered entity found to have willfully violated the requirements in the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 26-12; House 80-36

Committee on Rules

CS/CS/SB 1718 — Immigration

by Fiscal Policy Committee; Rules Committee; and Senator Ingoglia

The bill (Chapter 2023-40, L.O.F.) amends various Florida statutes to address provisions related to individuals in this state who may be unauthorized aliens. Specifically the bill:

- Amends the crime of human smuggling to provide that a person commits a third degree felony when he or she knowingly and willfully transports into this state an individual whom the person knows or reasonably should know has entered the United States in violation of the law and has not been inspected by the Federal Government since his or her unlawful entry from another country;
- Enhances the crime of human smuggling when smuggling a minor, more than five people, or when the defendant has a prior conviction for human smuggling;
- Adds the crime of human smuggling to the list of crimes that allow for prosecution under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act;
- Allows a law enforcement agency to send relevant information obtained pursuant to enforcement of s. 448.095, F.S., to a federal immigration agency;
- Amends the state's domestic security statutes to provide the necessary authority for the Florida Department of Law Enforcement to coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws, and responses to immigration enforcement incidents within or affecting Florida;
- Beginning July 1, 2023, requires private employers with 25 or more employees to use the E-Verify system for new employees (the bill retains the current law requirements for public employers and contractors and subcontractors thereof to use the E-Verify system);
- Alters the defenses for employers using the I-9 Form or E-Verify system; and, beginning July 1, 2024, amends the penalties for an employer's noncompliance to register and use the E-Verify system, including imposing a daily fine of $1,000 and allowing for the suspension of employer licenses after multiple findings of noncompliance;
- Creates penalties for employers who knowingly employ unauthorized aliens, effective July 1, 2024, including quarterly reporting and the suspension or revocation of employer licenses in certain circumstances;
- Creates a third degree felony for an unauthorized alien to knowingly use a false identification document or who fraudulently uses an identification document of another person, to obtain employment;
- Prohibits a county or municipality from providing funds to any person, entity, or organization for the purpose of issuing an identification card or other document to an individual who does not provide proof of lawful presence in the United States;
- Prohibits a person from operating a motor vehicle if his or her driver's license is issued by another state which exclusively provides such a license to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued;
- Provides that certain existing exemptions from obtaining a Florida driver license for nonresidents do not apply for undocumented immigrants;

- Repeals the statute that allows an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar by the Florida Supreme Court if certain conditions are met effective November 1, 2028;
- Requires a person who is in the custody of a law enforcement agency and is subject to an immigration detainer to submit a DNA sample when he or she is booked into a jail, correctional, or juvenile facility;
- Requires any hospital that accepts Medicaid to include a question on its admission or registration forms inquiring about whether the patient is a United States citizen, is lawfully present in the United States, or is not lawfully present in the United States;
- Requires each hospital to provide a quarterly report to the Agency for Health Care Administration, detailing the number of emergency department visits or hospital admissions by patients who responded to the above question in each category; and
- Appropriates a nonrecurring sum of $12 million from the General Revenue Fund to the Division of Emergency Management for the 2023-2024 fiscal year for the Unauthorized Alien Transport Program created in ch. 2023-3, L.O.F.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except where otherwise provided.
Vote: Senate 27-10; House 83-36

Committee on Transportation

CS/CS/HB 21 — Transportation Facility Designations

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Sirois and others (CS/CS/CS/SB 96 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator DiCeglie)

The bill creates a number of honorary designations of transportation facilities around the state and directs the Florida Department of Transportation to erect suitable markers for each of the following designations:

- I-275 between mile markers 30 and 31 in Pinellas County as "Deputy Sheriff Michael Hartwick Memorial Highway."
- S.R. 87 between E. Bay Boulevard and Bob Tolbert Road in Santa Rosa County as "Sgt. Maj. Thomas Richard 'Ric' Landreth Memorial Highway."
- Alternate U.S. 19/Bayshore Boulevard between Orange Street and Michigan Boulevard in Pinellas County as "SPC Zachary L. Shannon Memorial Highway."
- S.R. 105/Heckscher Drive between New Berlin Road East and Orahood Lane in Duval County as "Officer Scott Eric Bell Highway."
- S.R. 9A/East Beltway 295 between Gate Parkway and Baymeadows Road in Duval County as "Officer Christopher Michael Kane Highway."
- The bridge on Howell Drive over the Ribault River in Duval County as "Coach Gwendolyn Maxwell Bridge to Ribault."
- Upon completion of construction, the new NASA Causeway Bridge on S.R. 405 over the Indian River in Brevard County as "Dr. Sally Ride Memorial Bridge."
- I-95 between mile markers 380 and 381 in Nassau County as "Corporal James McWhorter Memorial Highway."
- Cortez Boulevard between U.S. 41 and S.R. 50/50A in Hernando County as "Rush Limbaugh Way."
- I-10 between mile markers 222 and 228 in Jefferson County as "Senior Inspector Rita Jane Hall Memorial Highway."
- U.S. 19 between C.R. 361/Beach Road and C.R. 30/Foley Road in Taylor County as "Michael Scott Williams Parkway."
- S.R. 435 between Conroy Road and Vineland Road in Orange County as "Officer Kevin Valencia Memorial Highway."
- S.R. 46 between East Lake Mary Boulevard in Seminole County and the Brevard County line as "Deputy Sheriff Eugene 'Stetson' Gregory Memorial Highway."
- S.R. 70/Okeechobee Road between Ideal Holding Road and C.R. 613/Carlton Road in St. Lucie County as "Kyle Lee Patterson Memorial Way."
- S.R. 518/Eau Gallie Boulevard between Wickham Road and John Rodes Boulevard in Brevard County as "Deputy Sheriff Barbara Ann Pill Memorial Highway."
- S.W. 22nd Avenue between Kirk Street and Tigertail Avenue in Miami-Dade County as "Mama Elsa Street."

- The intersection at S.R. 121 North and C.R. 23D in Baker County as "Deputy Sheriff Morris Fish Memorial Intersection."
- The bridge on S.R. 3 over the Canaveral Barge Canal in Brevard County as "Christa McAuliffe Bridge."
- S.R. 823/South Flamingo Road between Southwest 52nd Street and Southwest 55th Street in Broward County as "Archbishop Edward A. McCarthy High School Way."
- U.S. 98 between Tarpine Drive in Wakulla County and Alligator Drive in Franklin County as "SSgt. Carl Philippe Enis Memorial Highway."
- S.R. 289/North Ninth Avenue between S.R. 196/Bayfront Parkway and U.S. 90/East Cervantes Street in Escambia County as "Lewis Bear, Jr., Memorial Highway."
- Glades Road between Dixie Highway and Federal Highway in the Pearl City Neighborhood of Boca Raton in Palm Beach County as "Lois D. Martin Way."

The bill also revises a 1991 designation for "Armand Keith Lovell Memorial Highway" in Marion County to read "Armand and Perry Lovell Memorial Highway."

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 36-2; House 87-25

Committee on Transportation

CS/SB 106 — Florida Shared-Use Nonmotorized Trail Network

by Appropriations Committee and Senators Brodeur and Stewart

The bill (Chapter 2023-20, L.O.F.) expands the existing Shared-Use Nonmotorized (SUN) Trail Network and enhances coordination of the state's trail system with the Florida Wildlife Corridor. Specifically, the bill:

- Prioritizes the development of "regionally significant trails" which are defined as trails crossing multiple counties; serving economic and ecotourism development; showcasing the state's wildlife areas, ecology, and natural resources; and serving as main corridors for trail connectedness across the state.
- Enhances the planning, coordination, and marketing of the state's bicycle and pedestrian trail system and the Wildlife Corridor.
- Stipulates that trails developed within the Wildlife Corridor maximize the use of previously disturbed lands, such as abandoned roads and railroads, canal corridors, and drainage berms, and be compatible with applicable land use provisions.
- Requires the Florida Department of Transportation (FDOT) to erect uniform signage identifying trails that are part of the SUN Trail Network and to submit a periodic report on the status of the SUN Trail Network.
- Authorizes the FDOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.
- Recognizes "trail town" communities and directs specified entities to promote the use of trails as economic assets, including the promotion of trail-based tourism.
- Adds to the Florida Department of Environmental Protection's Florida Greenways and Trails Council a member from the Board of the Florida Wildlife Corridor Foundation.
- Adds a member representing nature-based tourism to the Florida Tourism Industry Marketing Corporation (VISIT Florida) board of directors.

The bill increases recurring funding for the SUN Trail Network from $25 million to $50 million and provides a non-recurring appropriation of $200 million to plan, design, and construct the SUN Trail Network. The bill does not disrupt the currently planned projects in the FDOT 5-Year Work Program for the SUN Trail Network, but specifically directs the new funds to be used to add new projects to the Work Program or to move up work on projects currently planned.

These provisions were approved by the Governor and take effect July 1, 2023.
Vote: Senate 40-0; House 113-0

Committee on Transportation

CS/HB 155 — Tampa Bay Area Regional Transit Authority

by Transportation and Modals Subcommittee and Rep. Holcomb and others (CS/SB 198 by Transportation Committee and Senator DiCeglie)

The bill repeals ch. 343, part III, F.S., relating to the creation and operation of the Tampa Bay Area Regional Transit Authority (TBARTA). The TBARTA is dissolved effective July 1, 2024.

The bill directs the TBARTA to:

- Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the TBARTA board in proportion to each county's contribution to the TBARTA in the 2021-2022 fiscal year;
- Settle and close its affairs, and transfer any pending activities, including but not limited to, the administration of its vanpool program;
- Close and appropriately dispense any applicable federal or state grants or funds;
- Provide for distribution of its remaining assets, if any, such that each county represented on its board receives an amount in proportion to each entity's contribution to the TBARTA in the 2021-2022 fiscal year;
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the TBARTA board; and
- Forward its records to the Department of State upon final dissolution.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 108-0

Committee on Transportation

CS/CS/CS/HB 425 — Transportation

by Infrastructure Strategies Committee; Infrastructure and Tourism Appropriations Subcommittee; Transportation and Modals Subcommittee; and Reps. Esposito, Andrade, and others (CS/CS/CS/SB 64 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator Hooper)

The bill contains the following transportation-related provisions:

- Effective January 1, 2024, adds three additional situations to Florida's Move Over Law, requiring motorists to move over for a disabled motor vehicle that is stopped and displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present.
- Requires the Florida Department of Transportation (FDOT) to coordinate with specified entities to establish standards by which the State Highway System (SHS) roads will be graded according to their compatibility with the operation of autonomous vehicles and requires incorporation of the grading standards into standards for specified transportation projects.
- Revises provisions regarding airport land use compatibility zoning regulations and noise studies at airports, including providing for consideration of mitigation, rather than prohibition, of certain potential incompatible uses when a noise study is not conducted.
- Revises the FDOT's duty to provide a workforce development program and requires the FDOT to allocate $5 million from the State Transportation Trust Fund to the workforce development program beginning in the 2023-24 fiscal year and annually thereafter for five years.
- Codifies the existing Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Living Lab within the University of Florida, provides its minimal duties, requires a specified annual report, and creates an advisory board.
- Prohibits a producer from representing that an aggregate is certified for use unless such shipment is in compliance with the FDOT's rules, and requires a local government to accept electronic proof of delivery as an official record for a material delivery on the local governmental entity's transportation project.
- Requires each contract let by the FDOT for performance of bridge construction or maintenance over navigable waters to contain a provision requiring marine general liability insurance, as specified.
- Requires the FDOT to implement strategies to reduce the cost of all project phases while ensuring the design and construction of the project meet applicable federal and state standards, and to track such strategies and the projected savings to be realized therefrom.
- Authorizes the FDOT to share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant to the extent that the consultant's input and involvement contributed to such savings, not to exceed ten percent of the construction cost savings realized.

- Clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.
- Revises authorization for an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of $2 million (rather than $1 million) to submit reviewed (rather than audited, certified) annual or reviewed interim financial statements prepared by a certified public accountant.
- Authorizes an applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date.
- Repeals temporary confidential and exempt status from public records requirements for a document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the FDOT.
- Increases the allowable height of modular news racks, including advertising thereon, from 56 inches to 105 inches, but retains the limitation on total advertising space of 56 square feet.
- Repeals a provision prohibiting the FDOT from requesting legislative approval of a proposed turnpike project until the design phase of that project is at least thirty percent complete.
- Requires increased coordination and consultation between Metropolitan Planning Organizations (MPOs); prohibits an MPO from performing project production or delivery for capital improvement projects on the SHS; revises various provisions to apply to contiguous urbanized metropolitan areas; requires certain MPOs to consider proportional representation of the area's population when selecting technical advisory committee membership; abolishes the Chairs Coordinating Committee and requires the MPOs serving specified counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals; and revises provisions relating to the MPO Advisory Council.
- Requires up to $20 million from the State Transportation Trust Fund for seaport and rail line and rail facility projects that meet the public purpose of providing increased capacity and capability to move and store construction aggregate; provides project selection criteria; authorizes the FDOT to adopt rules; and repeals these provisions on July 1, 2028.
- Revises multiple provisions relating to railroad special officers.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.
Vote: Senate 40-0; House 113-0

Committee on Transportation

CS/CS/HB 637 — Motor Vehicle Dealers, Manufacturers, Importers, and Distributors

by Commerce Committee; Civil Justice Subcommittee; and Rep. Shoaf and others
(CS/CS/CS/SB 712 by Rules Committee; Commerce and Tourism Committee; Transportation Committee; and Senators Avila and Garcia)

The bill amends the Florida Automobile Dealers Act (Act), which primarily regulates the contractual business relationship between franchised motor vehicle dealers (dealers), and manufacturers, factory branches, distributors, and importers (licensees).

The bill revises various provisions related to the licensure of, and contractual agreements between, dealers and licensees, including:

- Expands the prohibitions on direct-to-consumer motor vehicle sales, and dealer ownership, by licensees that have established dealers.
- Prohibits new franchise agreements with licensees that do not include all "line-makes."
- Expands the actions which a licensee is prohibited from taking to include:
  - Reserving or incentivizing the sale or lease of a motor vehicle.
  - Requiring or incentivizing dealers to sell or lease vehicles at a specified price or profit margin, or restricting the price that a dealer may sell or lease a motor vehicle.
  - Engaging in certain motor vehicle dealer activities.
  - Refusing to provide a dealer with an "equitable supply" of new vehicles by model, mix, or color as it offers or allocates to dealers.
  - Using the number of motor vehicles pre-ordered or reserved by consumers when determining allocations to dealers.
  - Controlling by contract, agreement, or otherwise a dealership for any "line-make" which is or has been offered for sale in Florida by a franchise agreement with an "independent person."
- Authorizes licensees to sell certain motor vehicle features or improvements through remote electronic transmission, and requires the licensee to pay the dealer at least eight percent of the gross payment received from the sale of a motor vehicle feature or improvement through remote electronic transmission if it is made within two years after the sale or lease of the new vehicle and the ownership of the vehicle has not changed.
- Provides that neither a distributor nor an affiliate thereof may be licensed as a motor vehicle dealer or own or operate a dealership that sells or services motor vehicles of the line-make of motor vehicles distributed by the distributor.
- Creates a timeline and process for DHSMV to conduct an inquiry of a licensee relating to a written complaint alleging a violation of the Act, when such complaint is made by a franchised motor vehicle dealer or a motor vehicle dealer association with at least one member with a current franchise agreement issued by the manufacturer.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 113-2

Committee on Transportation

CS/CS/HB 645 — Unmanned Aircraft Systems Act

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Brackett and others (CS/CS/SB 908 by Military and Veterans Affairs, Space, and Domestic Security Committee; Transportation Committee; and Senator Rodriguez)

The bill amends Florida's Unmanned Aircraft Systems Act to add the following items to the state's definition of "critical infrastructure facility":

- A water intake structure, water treatment facility, wastewater treatment plant, or pump stations;
- A refinery;
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- A seaport listed in s. 311.09(1), F.S., which need not be completely enclosed by a fence or other physical barrier, or be marked with a sign or signs indicating that entry is forbidden;
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport;
- An airport as defined in s. 330.27, F.S.;
- A spaceport territory as defined in s. 331.303(18), F.S.;
- A military installation as defined in 10 U.S.C. s. 2801(c)(4);
- An armory as defined in s. 250.01, F.S.; and
- A dam as defined in s. 373.403(1), F.S., or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waters.

The bill also modifies existing items under the definition, to include any liquid natural gas or propane gas terminal or storage facility, regardless of size, and any power generation or transmission facility, station, or electrical control center. Except for the specified deepwater ports, the revised and added structures and facilities must be completely enclosed by a fence or other physical barrier or be clearly marked with a sign or signs that indicate that entry is forbidden, which must be posted on the property in a manner reasonably likely to come to the attention of intruders.

Any person who knowingly and willfully operates a drone over the specified additional facilities and structures is subject to a definite term of imprisonment not exceeding 60 days, plus a possible additional $500 fine, except for those actions committed by the identified entities, agencies, or persons to which these provisions do not apply.

In addition, the bill removes the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the Federal Aviation Administration (FAA) for the designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016.

The bill also strikes the provision making the definition of "critical infrastructure facility" inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions. Operation of these drones would be restricted as provided in state law unless the state law conflicts with a federal definition of what constitutes a "fixed-site facility" or with any other federal law, regulation, or authorization.

The bill provides that effective on the same date that CS/CS/SB 264 takes effect (that date being July 1, 2023) the definition of "critical infrastructure facility," if the facility employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons, will also include:

- A chemical manufacturing facility;
- An electrical power plant as defined in s. 403.031(20), F.S.;
- A liquid natural gas terminal;
- A telecommunications central switching office;
- A seaport list in s. 311.09, F.S.; and
- An airport as defined in s. 333.01, F.S.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.
Vote: Senate 36-0; House 114-0

Committee on Transportation

CS/CS/HB 657 — Enforcement of School Zone Speed Limits

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Koster and others (CS/CS/CS/SB 588 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator Rodriguez)

The bill authorizes a county or municipality to place or install, or contract with a vendor to place or install, an automated speed detection system on a street or highway under its jurisdiction or a state road if permitted by the Florida Department of Transportation (FDOT). The system may only be used to enforce speed limits in school zones within 30 minutes before a regularly scheduled breakfast program or school session, during the entirety of a regularly scheduled school session, and within 30 minutes after the end of a regularly scheduled school session. The bill:

- Defines the term "speed detection system" and requires a county or municipality to enact an ordinance authorizing the placement or installation of speed detection systems and to make a determination that the location of such system warrants additional enforcement.
- Requires signage warning motorists that speed detection systems are in use.
- Requires a 30-day public awareness campaign prior to commencing enforcement of school zone speed limits with speed detection systems.
- Requires the governing body of a county or municipality operating such system to hold public meetings regarding system provider contracts and data reported to the Department of Highway Safety and Motor Vehicles (DHSMV).
- Creates a School Crossing Guard Recruitment and Retention Program, funded through retention of $5 from each citation enforced through school zone speed detection systems.
- Requires speed detection systems to be installed according to FDOT specifications.
- Provides requirements for issuing a notice of violation or a uniform traffic citation.
- Establishes a $100 penalty for each violation and provides for the distribution of the proceeds to state and local government, including $60 from each citation for the local government to administer the speed detection system and other public safety initiatives and $12 from each citation for county school districts, to be shared proportionately with charter schools, for school security initiatives, student transportation, or improve student walking conditions.
- Provides defenses for persons who receive a notice of violation or uniform traffic citation and procedures for hearings regarding violations.
- Provides requirements for the retention and destruction of data obtained from speed detection systems.
- Requires annual reporting by counties and municipalities that implement speed detection system programs in school zones and requires an annual summary report by DHSMV.
- Exempts speed detection systems from DHSMV's requirements for radar or lidar units, while requiring a speed detection system to perform self-tests as to its detection accuracy.
- Prohibits points being imposed for a violation if unlawful speed in a school zone enforced by a speed detection system and prohibits such violations from being used for purposes of setting motor vehicle insurance rates.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 35-3; House 95-6

Committee on Transportation

CS/CS/SB 766 — Enforcement of School Bus Passing Infractions

by Fiscal Policy Committee; Transportation Committee; and Senators Burgess and Berman

The bill authorizes a school district to install and maintain school bus infraction detection systems. The school district may contract with a private vendor or manufacturer to provide a school bus infraction detection system on each school bus in its fleet. The system uses electronic traffic enforcement technology to record traffic violations when drivers fail to stop for a school bus displaying a stop signal.

In order to use a school bus infraction detection system, the bill requires:

- The school district to enter into an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district.
- The systems meet specifications established by the State Board of Education.
- School districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- School buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.

The bill requires the school district, or a private vendor or manufacturer contracting with a school district, to submit specific information regarding alleged violations to the law enforcement agency authorized to enforce school bus stop signal violations in the school district. The information must be submitted within 30 days after the alleged violation is captured and include a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance; and the date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. The notice must include information detailing how to pay the civil penalty, review the evidence, request a hearing to contest the violation, or submit an affidavit providing a defense to the violation. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Under the bill, a violation enforced by a school bus infraction detection system is subject to a $225 civil penalty. The $200 civil penalty collected must be provided to the school district in which the violation occurred, and must be used to install or maintain school bus infraction detection systems, for the administration and costs associated with enforcement of the violations, or for any other technology that increases the safety of the transportation of students. The additional $25 collected is distributed to the Department of Health's Emergency Medical Services Trust Fund for payment to trauma centers.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

Each school district in consultation with the law enforcement agency with which it has interlocal agreements using the system must report quarterly information to the Department of Highway Safety and Motor Vehicles (DHSMV) beginning October 1, 2023. DHSMV must submit an annual summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning December 31, 2024, providing specified information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 35-5; House 108-6

Committee on Transportation

CS/CS/SB 838 — Proceeds Funding Motorcycle Safety Education

by Appropriations Committee; Transportation Committee; and Senator Collins

The bill reallocates the $2.50 annual fee provided to the Department of Highway Safety and Motor Vehicles (DHSMV) for motorcycle safety education to three Florida not-for-profit corporations that meet specified criteria.

The DHSMV must select qualified program administrators and enter into five-year contracts by October 1, 2023, for motorcycle safety and education programs. The bill authorizes such programs to include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses. Additionally, the contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs.

The program administrator must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and an estimate of the number of individuals who were exposed to the program administrator's educational efforts.

Based on the current number of registered motorcycles, the bill may reallocate approximately $1,626,675 annually from the DHSMV to the selected not-for-profit corporations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 39-0; House 114-0

Committee on Transportation

CS/CS/HB 949 — Operation of a Golf Cart

by Local Administration Committee, Federal Affairs and Special Districts Subcommittee; Transportation and Modals Subcommittee; and Rep. Stevenson and others (CS/SB 1290 by Transportation Committee and Senators Grall and Perry)

The bill (Chapter 2023-67, L.O.F.) requires that a person operating a golf cart on a public road or street, as authorized by the responsible local government entity, must:

- If 18 years of age or older, possess a form of government-issued photographic identification; or
- If under 18 years of age, possess a valid learner's driver license or valid driver license.

The bill also authorizes water control districts to designate roads owned and maintained by the district for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 39-0; House 102-0

Committee on Transportation

CS/HB 965 — Driver License, Identification Card, and Motor Vehicle Registration Applications

by Infrastructure Strategies Committee and Reps. Gottlieb, Arrington, and others (CS/SB 996 by Transportation Committee and Senator Berman)

The bill makes the following changes relating to motor vehicles:

- Requires an option to make a voluntary contribution of $1 to Best Buddies International be included on the application and renewal forms of a motor vehicle registration, driver license, and identification card.
- Exempts motor vehicle dealers from air pollution control equipment certification requirements if the motor vehicle purchaser is the current lessee of the motor vehicle and the motor vehicle is not in the possession of the dealer at the time of sale.
- Authorizes law enforcement agencies to release crash reports to other law enforcement agencies and their contracted service providers.
- Codifies in statute the number of vehicles that constitute a fleet for registration purposes, as a minimum of 100 motor vehicles or a minimum of 25 trailers or semitrailers.
- Defines the terms “control” and “motor vehicle dealer’s leasing or rental affiliate” for purposes of provisions relating to immunity from vicarious liability of a motor vehicle dealer, or of a motor vehicle dealer’s leasing or rental affiliate, who provides a temporary replacement vehicle to a service customer.
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.
Vote: Senate 40-0; House 115-0

Committee on Transportation

CS/CS/HB 1123 — Commercial Service Airport Transparency and Accountability

by State Affairs Committee; Transportation and Modals Subcommittee; and Reps. Gossett-Seidman, Casello, and others (CS/SB 1646 by Transportation Committee and Senator Davis)

The bill revises legislation enacted in 2020 relating to commercial service airport transparency and accountability. The bill:

- Defines the term "consent agenda";
- Revises the website location on which a commercial service airport must provide a link to its airport master plan;
- Amends the requirement for posting a contract to the airport's website to provide that any contract or contract amendment in excess of $325,000, increased from $65,000, must be posted on the airport's website, and to expressly limit the requirement to contracts for the purchase of commodities or contractual services;
- Requires that commercial service airports use competitive solicitation processes for purchases of commodities and contractual services that exceed the threshold amount of $325,000, increased from $65,000;
- Specifies that governing bodies of certain categories of commercial service airports must approve, award, or ratify any contract for commodities or contractual services, depending on the airport size and contract amount, as a separate line item on the governing body's agenda with a reasonable opportunity for public comment; and prohibits approval, award, or ratification of such contracts as part of a consent agenda; and
- Makes technical and clarifying revisions.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 40-0; House 112-0

Committee on Transportation

CS/CS/HB 1191 — Use of Phosphogypsum

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. McClure and others (CS/CS/SB 1258 by Fiscal Policy Commitee; Transportation Committee; and Senators Trumbull, Burgess, Gruters, and Ingoglia)

The bill authorizes the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum from phosphate production in road construction aggregate material. The bill requires the FDOT to conduct a study to evaluate the suitability of using phosphogypsum as a construction aggregate material. The FDOT may consider any prior or ongoing studies of phosphogypsum's road suitability. The study and a determination of suitability must be completed by April 1, 2024.

Upon the FDOT's determination of suitability, the bill authorizes the use of phosphogypsum from phosphate production as a construction aggregate material in accordance with the conditions of the United States Environmental Protection Agency's (EPA's) approval for such use. Finally, the bill provides that phosphogypsum placed in a phosphogypsum stack system permitted by the EPA or used in accordance with an allowed use expressly specified in EPA regulations or pursuant to an express EPA approval for the specific use is not solid waste and is an allowable use in this state.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.
Vote: Senate 34-4; House 81-25

Committee on Transportation

CS/CS/CS/HB 1305 — Department of Transportation

by Infrastructure Strategies Committee; Infrastructure and Tourism Appropriations Subcommittee; Transportation and Modals Subcommittee; and Rep. Abbott (CS/CS/CS/SB 1250 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator DiCeglie)

The bill (Chapter 2023-70, L.O.F.) contains multiple provisions relating to the Florida Department of Transportation (FDOT), as well as other transportation-related issues. The bill:

- Increases the maximum amount of debt service coverage that may be transferred from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund, from $350 million annually to $425 annually, and increases the maximum term of state bonds using federal appropriations for federal aid highway construction, from 12 years to 18 years.
- Authorizes the Florida Development Finance Corporation to issue revenue bonds to finance the costs of acquisition or construction of a transportation facility by a private entity or a consortium of private entities under a specified public-private partnership.
- Authorizes the FDOT to fund up to 100 percent of project costs for eligible intermodal logistics center projects in rural areas of opportunity and, subject to the availability of appropriated funds, to fund up to 100 percent of eligible project costs for specified projects at certain publicly owned, publicly operated airports located in a rural community.
- Authorizes installation, as specified, of automated license plate recognition systems within the rights-of-way of the State Highway System at the discretion of the FDOT when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence or investigative information.
- Prohibits the FDOT from requiring a site-approval applicant to provide a written agreement with other airport sites regarding traffic pattern separation procedures, except under specified conditions; requires the FDOT to publish a certain notice of receipt of a private temporary airport registration application; specifies the period during which such application may be approved or denied; requires the FDOT to issue registration concurrent with site approval; and provides for approval of an application by default.
- Authorizes the FDOT to purchase promotional items for the promotion of electric vehicle use and charging stations, autonomous vehicles, and context design for electric and autonomous vehicles.
- Authorizes the FDOT to expend funds, within its discretion, for training, testing, and licensing for full-time employees of the FDOT who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the FDOT.
- Increases from $120 million to $200 million the FDOT's annual cap on the award of contracts using innovative techniques of highway and bridge design, construction, maintenance, and finance; and excludes low-bid design-build milling and resurfacing contracts from the annual cap.
- Increases from $250,000 to $500,000 the cap on entering into contracts for construction and maintenance without advertising and receiving competitive bids for reasons of public

concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work.

- Revises requirements for design-build contracts, allowing the FDOT to combine the design and construction phases of any transportation project; authorizes the FDOT to enter into phased design-build contracts under specified conditions and following specified processes; provides requirements for such contracts; and includes phased design-build contracts in current provisions of law relating to advertising and awarding design-build contracts.
- Abolishes the Chairs Coordinating Committee and requires the metropolitan planning organizations (MPOs) serving specified counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals.
- Requires that public transit development plans of eligible providers of public transit block grants be consistent, to the maximum extent feasible, with the long-range transportation plans of the MPO in which the provider is located; and revises annual public transit provider reporting requirements.
- Requires the FDOT to adopt by rule minimum safety standards for certain fixed-guideway transportation systems operating in this state and to conduct structural safety inspections of such systems as specified.
- Effective upon becoming a law, reestablishes the Greater Miami Expressway Agency, subject to the revised powers, governance, jurisdiction, and duties contained in the bill.
- Effective upon becoming a law, repeals ch. 348, Part IV, F.S., relating to creation and operation of the Santa Rosa Bay Bridge Authority (SRBBA); transfers governance and control of the SRBBA, the bridge system, and any remaining SRBBA assets and rights to the FDOT; authorizes the FDOT to assume legal liability for contractual obligations determined to be necessary; and authorizes transfer of the bridge system to the turnpike system.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.
Vote: Senate 26-14; House 83-32

Committee on Transportation

CS/HB 1397 — Regional Transportation Planning

by Transportation and Modals Subcommittee and Rep. McClure and others (CS/SB 1532 by Transportation Committee and Senators Burgess and Collins)

The bill provides legislative intent to explore transformative changes to the policy management structure of the Hillsborough Area Regional Transit Authority (HART) to achieve organizational efficiencies with the goal of streamlining decision making, improving transparency, and enhancing the effectiveness of local and regional public transit service delivery.

The bill directs the Florida Department of Transportation (FDOT), or its consultant, to conduct a study reviewing aspects of HART's organizational structure and operation, including, but not limited to, the following:

- The HART charter to evaluate the authority's governance structure, including governing board membership, funding, representation, terms, powers, duties, and responsibilities;
- Financial assets and obligations;
- Facilities and operations;
- Issues, advantages, disadvantages, and actions required regarding the dissolution of HART as an agency and options to continue transit services in Hillsborough County in the absence of HART, including service delivery, funding, and asset management;
- Issues, advantages, disadvantages, and actions required regarding collaboration, consolidation, or merger with other transportation service providers in the Tampa Bay region within or adjacent to Hillsborough County, including service delivery, funding, and asset management;
- Policies adopted by the HART governing board and the proposal of amendments thereto related to governance, roles, and responsibilities of governing board officers, the executive administrator or chief executive officer, and the general counsel; and
- Any other matters the FDOT deems necessary or appropriate.

The bill requires the FDOT to submit a report detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 114-0

Special Master on Claim Bills

SB 2 — Relief of the Estate of Molly Parker/Department of Transportation

by Senator Hooper

The bill satisfies a settled claim supported by the Florida Department of Transportation. The bill appropriates $5.95 million from the State Transportation Trust Fund to the Department of Transportation and directs the Chief Financial Officer to pay such sum to the estate of Molly Parker. Ms. Parker died as a result of a vehicle crash with a negligently operated Department of Transportation dump truck.

The attorney fee is limited to $1,119,000 and the lobbying fee will not exceed $297,500.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 103-0

Special Master on Claim Bills

SB 4 — Relief of Maria Garcia by the Pinellas County School Board

by Senators Rouson and Book

Maria Garcia was a 41-year-old woman who suffered physical injuries on February 13, 2019, when she was struck by a school bus in Pinellas County, Florida. The bus was negligently operated by an employee of the Pinellas County School Board. Maria Garcia and the school board agreed to a consent judgment in the amount of $3 million. Of the total amount sought and agreed to by Maria Garcia and the school board, the school board has paid the $200,000 statutory cap to Maria Garcia. The bill authorizes and directs the school board to pay the remaining $2.8 million.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-1; House 105-0

Committee on Health Policy

SB 6 — Relief of the Estate of Jason Sanchez by Miami-Dade County

by Senator Rodriguez

The bill provides relief to the estate of Jason Sanchez. Mr. Sanchez was in a fatal automobile accident where a bus driven by a Miami-Dade County employee negligently rolled through a stop sign causing a collision with the motorcycle operated by Mr. Sanchez. The claim was settled with Miami-Dade County for $1.25 million of which $300,000 has been paid in accordance with the state's sovereign immunity waiver. The bill authorizes and directs Miami-Dade County to pay the remaining $950,000 to the estate of Mr. Sanchez.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 105-0

Special Master on Claim Bills

SB 8 — Relief of Leonard Cure/State of Florida

by Senators Jones and Thompson

This bill provides $817,000 to be appropriated from the General Revenue Fund to the Department of Financial Services for the relief of Leonard Cure for his 16 years of wrongful incarceration. Additionally, the bill waives tuition and fees for Leonard Cure for up to 120 hours of instruction at a career center, Florida College System Institution, or state university.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-1; House 104-0

Special Master on Claim Bills

SB 10 — Relief of Kristin A. Stewart by Sarasota County

by Senator Gruters

The bill authorizes and directs Sarasota County to draw a warrant in the sum of $5,750,000 payable to Kristin A. Stewart as compensation for injuries and damages sustained in a motor vehicle accident resulting from the negligent operation of a Sarasota County vehicle by a Sarasota County employee. This sum is in addition to the $200,000 already paid to Kristin A. Stewart pursuant to s. 768.28, F.S.

The attorney fee is limited to 25 percent of the first $2,000,000 recovered and 20 percent of the amount recovered in excess of $2,000,000. The lobbying fee will not exceed five percent of the amount recovered and the total amount paid for costs or other similar expenses will not exceed $88,709.64.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 37-1; House 105-0

Special Master on Claim Bills

CS/SB 12 — Relief of Ricardo Medrano-Arzate and Eva Chavez-Medrano as personal representatives of Hilda Medrano/Okeechobee County Sheriff's Office

by Judiciary Committee and Senator Polsky

The bill awards $1,200,000 to Ricardo Medrano-Arzate and Eva Chavez-Medrano, the parents of Hilda Medrano. Ms. Medrano was killed on December 1, 2013, by the negligence of an Okeechobee County Sheriff's deputy who was driving at speeds in excess of 90 miles per hour in an area that had a 35 miles per hour speed limit. At the time of the accident the deputy was not operating his vehicle with any emergency lights or sirens.

When the case was tried in 2018, the jury awarded $5,000,000 in damages to the estate of Hilda Medrano. The jury determined that the deputy was 88.5 percent at fault and the driver of the car in which Ms. Medrano was a passenger was 11.5 percent at fault. The judge issued a final judgment for $4,425,000, in favor of Ms. Medrano's estate, the proportion of the total verdict attributed to the negligence of the Sheriff's Office.

The Okeechobee County Sheriff's Office has already paid $500,000, the total coverage provided by the Florida Sheriff's Risk Management Fund, to the family of the driver who was killed in the accident and to a passenger who was injured while riding in the rear seat of the car.

During this legislative session, the attorneys for the claimant and respondent reached an agreement to settle this claim for $1,200,000. The first $300,000 will be paid within 30 days of the bill becoming law. The three remaining payments will be paid by July 1 of each of the following years.

The total amount of attorney fees paid for this claim many not exceed $240,000; the total amount paid for lobbying fees may not exceed $60,000; and the total amount paid for costs of other similar expenses may not exceed $4,945.49.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 105-0

Special Master on Claim Bills

CS/SB 16 — Relief of Mitchell by the South Broward Hospital District

by Judiciary Committee and Senator Gruters

The bill compensates Jamiyah Mitchell for the negligent acts of the South Broward Hospital District that occurred at her birth in 2008. Pursuant to a settlement between the parties, the bill authorizes the Hospital District to pay the special needs trust for Jamiyah the sum of $795,000, representing the balance of the settlement after prior payment of the sovereign immunity limits. The bill also limits the compensation, attorney fees, lobbying fees, and certain costs and expenses that may be paid from the settlement.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 39-1; House 105-0

Special Master on Claim Bills

SB 62 — Relief of Robert Earl DuBoise by the State of Florida

by Senator Grall

This bill provides $1.85 million to be appropriated from the General Revenue Fund to the Department of Financial Services for the relief of Robert Earl DuBoise for his 37 years of wrongful incarceration. Additionally, the bill waives tuition and fees for Robert Earl DuBoise for up to 120 hours of instruction at a career center, Florida College System Institution, or state university.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.
Vote: Senate 38-1; House 105-0